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OCCASIONAL ESSAYS

ON VARIOUS SUBJECTS,

CHIEFLY

POLITICAL AND HISTORICAL.

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J. Maseres'

OCCASIONAL ESSAYS

ON VARIOUS SUBJECTS,

By F. Maseres

CHIEFLY

POLITICAL AND HISTORICAL;

EXTRACTED PARTLY FROM

THE PUBLICK NEWSPAPERS,

DURING THE PRESENT REIGN,

AND PARTLY FROM

TRACTS

PUBLISHED IN THE REIGNS OF

QUEEN ELIZABETH, KING CHARLES I., KING CHARLES II.,

AND FROM

BISHOP BURNET'S HISTORY OF HIS OWN TIMES.

LONDON:

PRINTED BY ROBERT WILKS, IN CHANCERY-LANE;

AND SOLD BY JOHN WHITE, BOOKSELLER, IN FLEET-STREET.

1809.

MD

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NEW YORK

"Lord Bacon is at the head of the Condensers. He converts whole gardens of ideas into a drop of otto, and exhibits it in a single sentence. If Jeremy Taylor is rich, Bacon is mercury. In topic he is Thucydides as Cicero, but concise as Tacitus. His every expression is an allusion which cannot be spared. His illustrations are recondite, and appear pedantic to those who understand them not; but they display that far darting insight of mind, which, like the radiance of Hyperion, stretches in every direction and penetrates and illuminates everywhere: nay, he has this above the sun, that he pervades not only the present but the past. His magic original influence transcends his whole vast stock of acquirements: he studies him still for unwritten discoveries. Of such writers there can be no abridgment, and there

should be no suppression. They form excellent books of topics for preachers and populat essayists to dilate: they are too instructive to instruct the crowd. What the Book of Mr. Dr has been to Christianity, Bacon's Essays have been to the British moralizers.'

William Taylor of Norwich. Notice of David Montagu's 'Selection'. Annual Review vol iii. 1805 p. 649.

THE

PREFACE.

THE Volume here presented to the Publick, consists of several different tracts, relating mostly to Political and Historical subjects and events, that have occurred in the course of the last fifty years, and which have already been printed, either in some of the Publick Newspapers, or in separate Pamphlets or larger Works, (some of which are grown scarce and difficult to be met with,) and partly, of some tracts of a more antient date, (relating also to the subjects of History and Politicks,) published in the times of Queen Elizabeth and Charles the I. and Charles the II. and in the beginning of the last, or eighteenth, century: and amongst these the reader will find the excellent tract of the celebrated John Milton, on the Liberty of the Press, intitled, *Areopagitica, A speech for the liberty of unlicensed printing*, addressed to the Lords and Commons of England, in November 1644; which I have never met-with in a separate pamphlet, and which is, I believe, hitherto to be found only in the general collections of Milton's Prose-works. There are also in this volume some interesting papers on the late trade to Africa for Negroe-slaves, and a valuable extract from a work of Mr. John Harriott, in support of the Justice and Wisdom of the late abolition of it, by Act of Parliament; which is a measure con-

cerning which it is only to be lamented, that it was not adopted ten or twelve years sooner. There are also some papers concerning the late unhappy dispute with our Colonies in North America, which ended with our loss of them, and which, (by the great debt which the late King of France incurred, by the assistance he gave to the revolted colonies in that contest, and which the French Nation were unwilling to discharge,) has since been the principal cause of the dreadful Revolution in France, in 1789, and of the subsequent destruction of most of the Governments in Europe, by the victories of its present formidable ruler. These are some of the principal Topicks to which the papers here collected relate, and I have therefore given them the title of *Occasional Essays on different subjects, chiefly Political and Historical.* I will now proceed to set-down the separate titles of them, and the pages of the Volume, in which they are to be found, in their regular order, as follows.

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NUMBER XL.

The Papists Bloody Oath of Secrecy, and Litany of Intercession for England; with the manner of their taking the Oath, upon their entering into any grand Conspiracy against the Protestants; as it was taken in the Chapel, belonging to *Barnbow-Hall*, the residence of *Sir Thomas Gascoigne*, from William Rushton, a Popish Priest.

By Robert Bolron, Gentleman.

Die Jovis, 16 Decembris, 1680.

Ordered, That Mr. Robert Bolron have Liberty from this

House, to print and publish the said *Oath of Secrecy and Litany*.

London, Printed in the year 1680. Reprinted for S. Slow, and Sold over-against Saint Clement's Church in the Strand, in 1745.

In pages 531, 532, 533,——556.

NUMBER XLI.

ROME, a great Custom-house for Sin; or a Table of the Dispensations and Pardons, for Villainies and Wickednesses of various kinds, &c. With the several sums of money, given and to be paid for them.

By Anthony Egane, B. D. sometimes Confessor-General of the kingdom of Ireland; who was both a Spectator of, and Actor in, those horrible abuses, before his Conversion to the Protestant Religion.

And now, [in the year 1715,] reprinted, [being the Fifth Edition,] for the Benefit of such as either have themselves, or would induce others to have, too favourable thoughts of Popery.

To which is now [in 1715,] added an earnest dissuasive from Romish Idolatry and Superstition: wherein other gross Enormities are clearly detected.

London: Printed for John Marshall, at the Bible in Grace-church Street; Joseph Marshall, at the Bible in Newgate Street; and Ferd. Burleigh, in Amen Corner, 1715.

In pages 557, 558, 559,——607.

OCCASIONAL ESSAYS

ON

POLITICAL SUBJECTS.

ON THE EXCLUSION OF MR. JOHN WILKES FROM HIS SEAT IN THE HOUSE OF COMMONS, AS MEMBER FOR THE COUNTY OF MIDDLESEX, AFTER HIS EXPULSION AND RE-ELECTION.

To the Printer of the PUBLIC ADVERTISER.

SIR, *March* 16, 1771.

I CANNOT help being ſtrongly of opinion that an Act of Parliament to the following purport would tend greatly to allay the diſcontents that have prevailed among the people ever ſince the Middleſex election: and therefore I beg you would inſert the following draft of ſuch a bill in your paper. The advantages that, I conceive, would ariſe from it are as follows.

In the firſt place, it would ſecure the rights of the Electors of Great Britain to chuſe their own repreſentatives, from being controuled on any future occaſion by the negative of a majority of the Houſe of Commons, exerciſed under the form of an expulſion from that Houſe for ſome vague and arbitrary crime, or defect, in the object of their diſpleaſure, unknown to, and undefined by, the known laws of the land,

and not proved with the ſtrictneſs and ſolemnity that are deemed neceſſary to the conviction and puniſhment of an offence of the ſlighteſt nature in our criminal courts of juſtice. The apprehenſion of the poſſibility of ſuch proceedings in time to come, is what alarms the generality of impartial people rather than an opinion that this power was really ſo abuſed in the caſe of Mr. Wilkes and the Middleſex election. To remove this apprehenſion is therefore an object of the laſt importance.

In the next place, ſuch an act of parliament would confirm all the proceedings of the Houſe of Commons with reſpect to Mr. Wilkes on the rational and ſubſtantial ground of his being under a temporary incapacity of being elected a member of parliament, ariſing from the circumſtance of his being then in priſon, in execution of a ſentence of the court of King's Bench, and conſequently unable to attend his duty in parliament; and, by ſo confirming the proceedings of the Commons, it would entirely preſerve their honour and dignity, and make it unneceſſary that they ſhould receed from any of their reſolutions.

I am ſenſible, however, that it may here be objected that one of their reſolutions, namely, the important reſolution of Mr. Wilkes's incapacity to be a member of parliament, made on the 17th day of February, 1769, and which is expreſſed in the words following, to wit,

"Reſolved,

"That John Wilkes, Eſquire, having been in this ſeſſion of parliament expelled this Houſe, was and is incapable of being elected a member to ſerve in this preſent parliament," may at firſt ſight ſeem to be contradicted and overruled by the proviſions of the annexed act of parliament: but, upon a cloſer examination of it, it will be found to be capable of a conſtruction that is conſiſtent with

thoſe

thoſe proviſions, and even that this conſtruction is the true and proper conſtruction that ought to be given to it. This I ſhall now endeavour to prove.

The judgments of every court of juſtice ought, if the words in which they are expreſſed will bear it, to be conſtrued in ſuch a manner as to make them adequate and commenſurate to the points then under conſideration in ſuch courts, and to the authority legally veſted in the Judges by whom they are pronounced, rather than in ſuch a manner as will make them extend to caſes not then under conſideration, and which the judges therefore have not, perhaps, on ſuch occaſions a competent authority to determine.—This, I preſume, will readily be allowed; and, being ſo, we muſt, in the next place, obſerve, that the Houſe of Commons, when they paſſed that reſolution, were acting in a judicial, and not in a legiſlative, capacity: they were determining whether, according to the laws then in being, Mr. Wilkes, who had been choſen knight of the ſhire for Middleſex on the preceeding day, the 16th day of February, 1769, was entitled, by virtue of that election, to ſit and vote as a member of that Houſe. They did not pretend to a power of making him incapable of ſitting there by an *ex poſt facto* reſolution, if he was legally capable of being elected to ſit there at the time of ſuch election; but only, as the proper judges of the validity of all parliamentary elections, to a power of declaring "what the law then was reſpecting his capacity to be ſo elected:" they therefore had no right to conſider, nor to give judgment upon, any other point, but that of his capacity to be elected a member of parliament for the county of Middleſex, on the ſaid 16th day of February, 1769. No other point was judicially before them: and, if they had clearly and expreſſly reſolved, that Mr. Wilkes was not only then incapable of being elected a member of parliament, but that ſuch incapacity would continue in him during this whole parliament, they would,

in this ſecond part of ſuch reſolution, have acted in an extra-judicial manner, and without a competent authority; and ſuch a deciſion would have been entitled to but little regard either from themſelves on any ſubſequent occaſion, or from any other perſon. But this they have not done in their reſolution of the 17th of February, 1769, above recited, though at firſt ſight it may ſeem to carry that meaning; for the words of it are, "that he was and is incapable of being elected a member to ſerve in this preſent parliament; that is, as I conceive, he was at the time of his election on the pre ceding day, the 16th of February, 1769, and is at the time then preſent, namely, the 17th day of February, incapable of being elected a member of parliament. It does not ſay that he ſhall or will continue ſo during the whole continuance of this parliament, which was a point not then under conſideration.

As to the words, "having been in this ſeſſion of parliament expelled this Houſe," which immediately precede the words that declare his incapacity, they are introduced only by way of recital, and are not ſaid to be the ground of the ſubſequent adjudication of incapacity, and need not neceſſarily be underſtood ſo; but they ought rather to be conſidered as a ſhort reference to the grounds and reaſons upon which he was expelled, ſome of which were likewiſe cauſes of an incapacity to be elected; and ſo the meaning of the whole reſolution will be as follows: "Whereas Mr. Wilkes was expelled from the Houſe of Commons in this ſeſſion of parliament, to wit, on the 3d of February, 1769, upon divers good and ſufficient grounds and reaſons, ſome of which were not only good grounds for expelling him, but did really and truly, if they had been properly attended to, render him incapable of being legally elected a member of this parliament; and whereas theſe reaſons, that thus rendered him incapable of being legally elected a member of parliament, do ſtill ſubſiſt; it is therefore reſolved and

adjudged

adjudged by this Houſe, that he was at the time of his laſt election, to wit, on the 16th day of February, 1769, and ſtill is at this preſent time, to wit, on the 17th of February, 1769, incapable of being elected a member to ſerve in this preſent parliament."

This ſeems to me to be a reaſonable conſtruction of this famous reſolution: and if the words of it will bear this ſenſe, as I flatter myſelf I have ſhown they will, it is ſurely better to underſtand them in this manner than to interpret them in the other manner above-mentioned, and thereby to make them, byconſtruction, contain a dangerous and extra-judicial reſolution of the Houſe of Commons in a matter of ſuch high importance, which would be no way ſuitable to the dignity of the Houſe, or to the character of wiſe and conſiderate judges that were giving a judicial determination of the point that was then before them.

Now, if this mild and inoffenſive interpretation of this reſolution be allowed to be juſt, there will be nothing in the act of parliament here recommended in any degree contrary to this or any other of the reſolutions of the Houſe of Commons upon this ſubject. This is a ſecond advantage in the bill here propoſed.

A third advantage ariſing from t would be the removing of all the ridiculous doubts and opinions that have been entertained concerning the capacity of an Outlaw to ſit and vote in parliament; notwithſtanding he is a creature that, as Mr. Wilkes has well obſerved, has no political exiſtence, but is liable to have all his goods and chattels, and the rents and profits of his lands, taken into the king's hands, as forfeited to his Majeſty by the outlawry, and his body kept in priſon during life. No well-wiſher to the liberties of his country would, I preſume, deſire to ſee the repreſentatives of the Commons of this kingdom compoſed of perſons in ſuch dependent circumſtances.

And if, after ſuch an act of parliament, colonel Luttrel

ſhould think proper to vacate his ſeat in parliament by accepting the ſtewardſhip of the Chiltern Hundreds, and Mr. Wilkes, now that his outlawry has been reverſed, and his conſequent Incapacity to ſit in Parliament has been removed, ſhould again ſtand for the county of Middleſex, and again be choſen their repreſentative by a great majority, (as I truſt and hope he would;) and ſhould be permitted to take his ſeat in the Houſe in conſequence of ſuch new election, I conceive that the whole tranſaction would do his Majeſty's miniſters great honour, give general ſatisfaction to the people, and, in ſhort, prove a happy means of reconciling men's minds to government, and of winding-up this unlucky buſineſs that has kept the whole nation in a ferment, and ſoured our old Engliſh good-humour for more than two years paſt.

I am, Sir,

Your humble Servant,

IRENICUS.

Draft of an Act of Parliament to diſable Outlaws and Perſons legally confined in Priſon from being choſen Members of the Commons Houſe of Parliament; and to ſecure to the Freeholders and other Electors of Great Britain their Right of free Election, notwithſtanding any antecedent Expulſion of the Perſons they ſhall elect for their Members.

WHEREAS certain doubts have ariſen, and may ariſe, concerning perſons confined in priſon in execution of the judgements of a court of law, or for other juſt and lawful cauſes, and likewiſe concerning perſons outlawed, whether they

they are capable of being elected to ſit and vote in parliament as members of the Commons Houſe of parliament: and whereas it would be highly inconvenient and prejudicial to the publick buſineſs tranſacted in the ſaid Houſe of parliament that ſuch perſons ſhould be choſen members of it, becauſe they would not be able to attend their duty in the ſame; and the counties, cities, and boroughs, for which they ſhould be choſen, would thereby be unrepreſented in parliament during the continuance of ſuch impediment to their attendance; it is therefore declared and enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and the Commons in this preſent parliament aſſembled, that no perſon outlawed in due courſe of law, either upon a criminal or a civil proſecution, nor any perſon legally confined in priſon in execution of any judgement of a court of juſtice, ought at any time heretofore to have been deemed, or ſhall at any time hereafter be deemed, to be capable of being elected to ſerve in the Britiſh Houſe of Commons, as a member thereof, for any county, city, or borough, in either England, Wales, or Scotland, during the continuance of ſuch outlawry or legal confinement. Any cuſtom, reſolution of the Houſe of Commons, precedent, or opinion, or other thing, to the contrary hereof in any wiſe notwithſtanding.

And whereas great diſcontents have ariſen in the minds of many of his Majeſty's faithful ſubjects on account of a reſolution of the Commons Houſe of parliament paſſed on the 17th day of February, in the year of our Lord 1769, declaring John Wilkes, Eſq. who had, on the 28th day of March, in the year 1768, been duly choſen and returned a knight of the ſhire to ſerve in this preſent parliament for the county of Middleſex, and afterwards on the 3d day of February, in the year 1769, had been expelled from the ſaid Commons Houſe of parliament by a majority of the

members thereof, and then on the 16th day of the ſame month of February, had been again duly elected and returned a knight of the ſhire to ſerve in this preſent parliament for the ſaid county; to have been at the time of the re-election, and to be ſtill at the time of paſſing the ſaid reſolution, incapable of being elected a member to ſerve in the ſaid parliament; from which reſolution many perſons have concluded that the ſaid Commons Houſe of parliament meant to declare that his ſaid incapacity of being choſen a member of the ſaid Houſe of parliament aroſe merely from his ſaid expulſion from the ſame, and not from the circumſtance of his being at that time legally confined in priſon in execution of a judgement of the court of King's Bench for having publiſhed two criminal writings, and his conſequent inability to attend his duty, and ſerve his conſtituents in parliament, though this had been mentioned as a principal ground for his expulſion :—and whereas it would be an unneceſſary reſtraint upon the exerciſe of the right of election in the freeholders and other electors of Great Britain, and would greatly diminiſh the value of that important franchiſe, if they were to be precluded from freely chooſing for their repreſentatives in parliament any perſons that they ſhall think worthy of ſo high a truſt, and eſteem beſt qualified to ſerve them, who are not rendered incapable thereof by ſome known and general law, or ſome poſitive act of parliament in that behalf made and provided: IT IS therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and the Commons in this preſent parliament aſſembled, that no expulſion of any member of the Commons Houſe of parliament by the ſaid Houſe, whether already paſſed, or hereafter to be made or done, ſhall be conſtrued, or taken to have created, or to create, any incapacity

pacity in the perſon ſo expelled to be again choſen into the ſaid Commons Houſe of parliament, either for the ſame place for which he had been choſen before, or for any other: but the perſon ſo expelled ſhall remain capable of being re-elected to ſit in the ſame parliament; and, if he ſhall be ſo re-elected either for the ſame or any other place, and he be otherwiſe duly qualified to be choſen according to the known laws of the land, he ſhall ſit and vote in the ſaid Commons Houſe of parliament in the ſame manner as if ſuch expulſion had never happened, or he had then been choſen a member thereof for the firſt time.*

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* Though no Act of Parliament of the kind here recommended has ever been paſſed, yet the Reſolution of the Houſe of Commons, formed on the 17th of February, 1769, for excluding Mr. Wilkes from his ſeat in the Houſe after his expulſion from it, on the preceeding 3d day of February, and his Re-election on the 16th by the freeholders of the county of Middleſex, to wit, "That John "Wilkes, Eſquire, having been, in this ſeſſion of Parliament, ex- "pelled this Houſe, was and is incapable of being elected a member "to ſerve in this preſent Parliament," was afterwards reſcinded by a ſubſequent Houſe of Commons, in the ſpring of the year 1782, when Lord North retired from his offices of Firſt Lord of the Treaſury and Chancellor of the Exchequer, and was ſucceeded in the former of thoſe offices by the Marquis of Rockingham, and the Earl of Shelburne was made Secretary of State. It ſeems reaſonable, therefore, to conclude, "That, as the law now ſtands, an expulſion of a "Member of the Houſe of Commons by the Houſe, does not render "the perſon expelled incapable of being elected again to ſerve in the "ſame parliament."

F. M.

A PRO-

A PROPOSAL FOR A RECONCILIATION WITH THE REVOLTED PROVINCES OF NORTH AMERICA, WITHOUT EXEMPTING THEM FROM THE AUTHORITY OF THE BRITISH PARLIAMENT.

IN THE YEAR 1775.

IN the firſt place, to repeal the Quebeck-Act, and thereby re-eſtabliſh the King's proclamation of October, 1763, with reſpect to the province of Quebeck, and reduce the extent of the ſaid province to what it was before the late Quebeck-Act; or, perhaps, (if it ſhall be thought neceſſary, upon a full inquiry into the matter by the teſtimony of Sea-officers acquainted with Newfoundland, and the Gulf of Saint Lawrence, and the fiſheries carried-on in thoſe parts, and by the teſtimony of merchants acquainted with the ſame ſubjects,) to enlarge the former extent of the province of Quebeck, as ſettled by the proclamation of October, 1763, by the addition of the coaſt of Labrador, which, by the ſaid proclamation, was made part of the government of Newfoundland; but, by no means, to put all the interiour part of North-America into the province of Quebeck.

SECONDLY.—After thus repealing the Quebeck-Act, and reviving the King's proclamation of October, 1763, and reducing the province of Quebeck to a reaſonable and moderate extent, capable of being governed by an Aſſembly, in purſuance of the promiſe in the ſaid Royal proclamation, To aſcertain the laws of the province. This ſhould be done by expreſsly mentioning and confirming the Petition of Right, the *Habeas Corpus* Act, the Bill, or Declaration of

of Rights, made in the firſt year of the reign of King William and Queen Mary, and perhaps a few other ſtatutes that are ſingularly beneficial and favourable to the liberty of the ſubject, and then by confirming, in general terms, the reſt of the laws of England, both criminal and civil, excepting the penal laws againſt the exerciſe of the Popiſh religion, which ſhould be declared to be (what they have always been underſtood to be,) utterly null and void with reſpect to that province; and excepting, alſo, the laws relating to the tenures of land, the manner of conveying it, and the laws of dower and inheritance, at leaſt with reſpect to the children of marriages already contracted, or which ſhall be contracted before a given future day, and declaring, that upon theſe ſubjects the former French laws of the province ſhould be in force.

But the laws of England, which diſqualify Papiſts from holding places of truſt and profit, ought ſtill to be continued in the province, though the penal laws ſhould be aboliſhed; the former laws being not laws of perſecution, but of ſelf-defence. Yet the King might, if he pleaſed, extend his bounty to thoſe people who ſigned the French petition, and to ſuch other perſons of the Roman-Catholick religion, as he thought fit, by granting them penſions.

Alſo, it would be proper to aboliſh the ſeigneurial Juriſdictions in Canada, for the ſatisfaction of the great body of the freeholders of the province. If this cannot be done conſiſtently with juſtice, and the terms of the capitulation granted by Sir Jeffery Amherſt, in September, 1760, without giving the ſeigniors a pecuniary compenſation for the loſs of theſe juriſdictions, (though I incline to think it might,) ſuch pecuniary compenſations ought to be given them. The expence of a week's extraordinaries to the army at Boſton would be more than ſufficient to make theſe compenſations in a large and ample manner.

THIRDLY.

THIRDLY.—Having thus aſcertained the laws of the province of Quebeck, it would be proper to provide for the convenient adminiſtration of juſtice in it, either by adopting the plan ſet-forth above, in pages 343, 359, or ſome other that ſhall be thought fitter for the purpoſe.

FOURTHLY.—To provide a competent legiſlature for the province of Quebeck. The beſt legiſlature that could be provided for it would, as I believe, be a Proteſtant Aſſembly choſen by the freeholders of the country, whether Proteſtants or Roman-Catholicks. The next beſt, I ſhould be inclined to think, would be a Legiſlative Council, conſiſting of Proteſtants only, (ſuch as is propoſed in the draught of an Act of Parliament, contained in the *Account of the Proceedings of the Britiſh and other Proteſtant inhabitants of the province of Quebeck in North-America in order to obtain a houſe of Aſſembly in that province, lately publiſhed and ſold by B. White in Fleet-Street,*) to be eſtabliſhed for only ſeven years; in which all the members ſhould be made independent of the Governor, ſo as to be neither removeable nor ſuſpendible by him upon any occaſion whatſoever, though they might be removed by the King, by his order in his Privy Council. They ſhould be thirty-one in number, or perhaps more; and ſhould all ſign the ordinances for which they gave their votes, and ſhould be paid forty ſhillings each, every time they attended the meetings of the Council, in order to induce them to attend in conſiderable numbers; as the Juſtices of the Peace in England are intitled to a pecuniary allowance for attending the Quarter-Seſſions of the Peace, and the Directors of the Eaſt-India Company, for attending the meetings upon the affairs of the Company, and the members of the Houſe of Commons are intitled to wages from their conſtituents attending Parliament, though now they forbear demanding them. But they ſhould receive no general ſalaries from the Crown, not depending upon their attendances; as ſuch a practice

practice can tend to nothing but to make them dependent on the Crown, and contemptible in the eyes of the people. Next to ſuch a legiſlative Council, conſiſting of Proteſtants only, a general Aſſembly of the people, conſiſting of Proteſtants and Papiſts indiſcriminately, ſeems the moſt proper legiſlature for the province. And to the eſtabliſhment of ſuch an Aſſembly but few objections can now be made; ſince the Engliſh ſettlers in the province, on the one hand, have declared that they are willing to acquieſce in the eſtabliſhment of ſuch an Aſſembly; and the King and Parliament, on the other hand, (by paſſing the Quebeck-Act, and permitting Roman-Catholicks to hold all ſorts of offices, ſeats in the legiſlative council of the province, judicial offices, and even military commiſſions,) have declared that they conſider the old opinion, "that Roman Catholicks were not fit perſons to be inveſted with authority under the Britiſh Government," as ill-grounded with reſpect to the province of Quebeck. For certainly, if there is any hardſhip in excluding Papiſts from holding places of truſt and profit in the province, there is a ſtill greater hardſhip in excluding them from being choſen members of an Aſſembly of the province.

FIFTHLY.—To repeal the Boſton-charter Act; and to paſs a reſolution in both Houſes of Parliament, that for the future, no charter of any American colony ſhall be taken-away, or altered in any point, by the Britiſh Parliament, without, either on the one hand, a Petition for that purpoſe, to the two Houſes of Parliament, or to the King's Majeſty, from the Aſſembly of ſuch colony, whoſe charter is propoſed to be either taken away or altered, or, on the other hand, a ſuit at law, by a writ of *Scire facias*, to repeal the ſaid charter, regularly carried-on in the Court of Chancery in England, upon a charge of ſome abuſe of the powers of the said charter, by the people of ſuch colony, or of ſome other miſdemeanour committed by them, which may be

be a legal ground of forfeiture of the ſame, and a judgement of forfeiture pronounced in conſequence of ſuch ſuit after a full hearing of the ſame, and alſo a re-hearing in Parliament of the charges in the ſaid ſuit, and of the proofs brought in ſupport of them, and of the arguments which may be alledged both for and againſt the ſaid colonies by Counſel, and an approbation and confirmation of ſuch judgement of forfeiture by both Houſes of Parliament in conſequence of the ſaid re-hearing of the whole matter.

Such a reſolution of the two Houſes of Parliament would give the Americans a ſtrong moral aſſurance that the privileges granted them by their charters would not be lightly and wantonly altered for the future upon the haſty ſuggeſtions of men little acquainted with their hiſtory and condition, and whoſe notions of Government are very different from their own.

SIXTHLY.—To repeal the trial-act, for trying Officers or Soldiers, who ſhall be indicted for murder in the Maſſachuſet's bay, in others of the American provinces, or in England. This Act, I am perſuaded, was intended only for the purpoſes of juſtice, and to procure a fair trial to the officers and ſoldiers who ſhould happen to be indicted for actions done by them in the courſe of their duty as aſſiſtants to the civil magiſtrate in the execution of the laws, and not to ſcreen them from puniſhment when they were really guilty of murder, or had occaſioned the death of his Majeſty's ſubjects in that province without ſuch juſt and lawful cauſe. And I am further perſuaded that, in fact, it would not ſcreen them from puniſhment, when the charge was ſupported by proper teſtimony; but that the Juries that ſhould try theſe indictments, whether in England or in America, would readily convict ſuch officers and ſoldiers of murder, if they were really guilty of it, and proved to be ſo by ſufficient evidence. But the difficulty

culty of procuring the witneſſes to the facts to come acroſs the Atlantick ocean to give evidence concerning them, is ſo great that it may almoſt be conſidered as unſurmountable; and conſequently this method of trying thoſe offences may be reckoned to be impracticable, notwithſtanding the ſpirit of juſtice and impartiality by which the Juries would probably be governed. And for this reaſon the Act ought to be repealed. However, as this Act is only a temporary one, and will expire of itſelf in two years, it is a matter of much leſs conſequence than the Quebeck Act and the Act for altering the charter of the Maſſachuſet's bay. Thoſe are the Acts which have brought-on this civil war, and which, I apprehend, muſt be totally repealed before peace can be reſtored.

SEVENTHLY.—To paſs a reſolution of both Houſes of Parliament, that, for the future, no tax or duty of any kind ſhall be impoſed by authority of the Parliament of Great-Britain, upon his Majeſty's ſubjects reſiding in thoſe provinces of North-America, in which aſſemblies of the people are eſtabliſhed, until the ſaid provinces ſhall have been permitted to ſend repreſentatives to the Britiſh Parliament: excepting only ſuch taxes or duties upon goods exported out of, and imported into, the ſaid provinces as ſhall be thought neceſſary for the regulation of the trade of the ſaid provinces; and that, when ſuch taxes, or duties, ſhall be laid by the Britiſh Parliament on any of the ſaid provinces, the whole amount of the ſame ſhall be diſpoſed-of by the Aſſemblies of the provinces in which they ſhall be collected, reſpectively.

EIGHTHLY.—That all the quit-rents, and other royal dues, collected in the provinces of America, ſhall be appropriated to the maintenance of the civil governments in the ſame, and ſhall be employed in the payment of the ſalaries of the Governors, and Judges, and Sheriffs, or Provoſt-

Provoſt-Marſhalls, and Coroners, and other offices of Juſtice in the ſame, ſo as to leſſen the taxes which it may be neceſſary for the Governors, Councils, and Aſſemblies of the ſaid provinces to lay on the inhabitants of the ſame for the ſaid purpoſe: and that a ſeparate receiver and collector of the ſaid quit-rents and other royal dues, be appointed by the ſeveral Governors of the ſaid provinces reſpectively in every ſeparate province, who ſhall hold his ſaid office during the pleaſure of the Governor of the province to which he ſhall belong, and his reſidence in the ſaid province, and no longer, and who ſhall receive and enjoy ſuch ſalary, or fees, or other emoluments, during his continuance in his ſaid office, as ſhall be allowed by an Act of the Governor, Council, and Aſſembly of the ſaid province. But the portions of the ſaid quit-rents that ſhall be aſſigned to the Governor, and Judges, and other officers of civil government in the ſaid provinces reſpectively, ſhall be ſuch as his Majeſty, in his royal wiſdom, ſhall think fit to appoint.

Alſo it ſhould be provided that no Governor, Judge, or other officer of the civil government of any ſuch province, ſhould receive any part of the ſalaries ariſing from thoſe quit-rents, or other royal dues, during the time of his abſence from the ſaid province, or after his return to the province, in conſideration of his having held the ſaid office during ſuch abſence; but that ſo much of his ſaid ſalary, ariſing from the ſaid quit-rents and other royal dues, as would have accrued to him in the ſaid ſpace of time, if he had reſided during the ſame in the ſaid province, ſhall be deemed to be forfeited by his ſaid abſence, and ſhall make a part of the publick treaſure of the province, and be diſpoſed-of by the joint Act of the Governor, Council, and Aſſembly of the ſaid province.

The amount of theſe quit-rents and other royal dues in America

America ſhould be made good to his Majeſty out of the ſinking-fund.

NINTHLY.—The offices of Secretary of the province, clerk of the Council, Regiſter of deeds and patents, or clerk of the inrolments of deeds and patents, Provoſt-marſhal, or ſheriff, Commiſſary of ſtores, Receiver-general of the king's revenue, Coroners, clerks, or regiſters, of the courts of juſtice, Naval officer, Collector of the cuſtoms, Comptroller of the cuſtoms, in every province, ſhould be given to perſons reſident in the province, to be executed by themſelves, without a power of making deputies; and the fees to be taken by them ſhould be ſettled by Acts of the Governour, Council, and aſſembly of the ſaid province, in which they are holden; and they ſhould be holden during the pleaſure of the Governour, or of the King, as his Majeſty, in his royal wiſdom, ſhall think fit, but ſhould never be given by patents under the great ſeal of Great-Britain, to be holden during the lives of the patentees; and they ſhould be holden by ſeparate officers, ſo that no two of them ſhould be holden by the ſame perſon.

The preſent patentees of any of theſe offices ſhould have compenſations made to them for the loſs of their patents by penſions for their lives payable out of the ſinking-fund.

TENTHLY.—In the governments called *Royal Governments*, (which are carried-on by virtue of the King's commiſſions only, without charters,) the Councils of the ſaid provinces ſhould be made more numerous than they now are, and the members of them ſhould be appointed for life. They now uſually conſiſt of twelve members, all of whom may be removed at the pleaſure of the crown, and ſuſpended from the execution of their offices of counſellors, by the Governours of the province, till the pleaſure of the Crown can be known. This renders them of little weight and conſequence in the eyes of the people, and conſequently of little advantage to the Governour in ſupporting his Majeſty's authority, and preſerving the peace of the

province. It would therefore be proper to enlarge their number to at leaſt 23 members, and, in the more populous provinces to a greater number, (in Virginia, perhaps, to 43,) of whom at leaſt 12 ſhould be neceſſary to make a board, and do buſineſs; and it would alſo be proper to appoint them for life or during their good behaviour, ſo that they could not be removed from their ſaid offices without a charge of ſome miſconduct that ſhall be a ſufficient ground for removing them from the ſaid office, and a proof and conviction of the ſame in a trial by jury upon a writ of *ſcire facias* to repeal the patent by which they had been appointed to ſuch office, or ſome other law-proceeding analogous to ſuch writ. This numerous council ſhould be the Legiſlative Council of the province, and ſhould concur with the Aſſembly in making laws. But, for the executive part of government, the King might appoint a leſſer Council conſiſting of not fewer than 12 perſons, who ſhould adviſe the Governour in all thoſe matters relative to the execution of the powers of his commiſſion, in which he was directed by his commiſſion to act with the advice of his Council. And ſeven members of this Council ſhould be neceſſary to make a board, or do buſineſs. The members of this Council ſhould hold their places at the pleaſure of the Crown, as the King's privy Counſellors do in England; but ſhould not be removeable or ſuſpendible by the Governour. They might either be ſome of the members of the greater, or legiſlative, Council, or not, as his Majeſty, in his royal wiſdom, ſhould think fit.

This measure, "of making the members of the legiſlative councils more numerous than they now are, and independent of the Crown, in order to give them more weight and dignity in the eyes of the people, and thereby to render them more capable of being uſeful in the ſupport of his Majeſty's government," is recommended by ſome of the warmeſt friends of Great-Britain in North-America; of which I will

mention

mention an inſtance or two. In the year 1774 a very ſenſible pamphlet was publiſhed by Thomas Cadell, in the Strand, entitled, "*Conſiderations on certain Political Tranſactions of the Province of South-Carolina.*" This pamphlet has been generally aſcribed to Sir Egerton Leigh, baronet, his Majeſty's attorney-general for that province. But, whoſoever the author of it may be, he appears to be a perſon well acquainted with the affairs of America, and more eſpecially of that province, and a zealous friend to the intereſts of Great-Britain in America, and to the continuance of an amicable connection between the two countries, upon the old footing of a ſubjection of them both to the authority of the Britiſh Parliament. In pages 68, 69, 70, of this pamphlet there is the following paſſage. "In "my apprehenſion it ſeems abſolutely neceſſary, that the "numbers of the Council ſhould be increaſed; and for this "plain and obvious reaſon, Becauſe a body of Twenty-four "Counſellors, for inſtance, appointed by the King from the "firſt rank of the People moſt diſtinguiſhed for their wealth, "merit, and ability, would be a means of diffuſing a conſi-"derable influence through every order of perſons in the "community, which muſt extend very far and wide, by "means of their particular connections; whereas a Council "of Twelve, ſeveral of whom are always abſent, can have "little weight, nor can their voices be heard amidſt the cla-"mour of *prevailing* numbers.

"I think this body, acting legiſlatively, ought to be made "independent, by holding that ſtation during the term of "their natural lives, and determinable only on that event, or "on their intire departure from the province. But the ſame "perſon might nevertheleſs, for proper cauſe, be diſplaced "from his ſeat in Council; which regulation would, in a "great meaſure, operate as a *check* to an arbitrary Gover-"nour, who would be cautious how he raiſed a powerful "enemy in the Upper Houſe by a raſh removal; at the ſame

" time that the power of removal would keep the Member " within proper bounds. The life-tenure of his legiſlative " capacity would likewiſe ſufficiently ſecure that *indepen-* " *dency* which is ſo neceſſary to this ſtation, and ſo agree- " able to the conſtitution of the Parent-State. I know ſome " folks will raiſe both ſcruples and fears; but for my own " part, I think without much reaſon: for, if we attend to " the workings of human nature, we ſhall find, that a cer- " tain degree of attachment commonly ariſes to the fountain " from whence an independent honour flows. Oppoſition " ſeldom ſettles upon the perſons who are raiſed to dignity " by favour of the Crown, it having ſo much the appearance " of Ingratitude, one of the moſt deteſted vices; and it ever " acts a *faint* and *languid* part, till a deſcent or two are paſt, " and the author of the elevation is extinct. From this rea- " ſoning it ſeems tolerably clear to me, that the Legiſlator, " being for life, and deriving his conſequence from the " Crown, will rather incline to *that ſcale*; and it is not " probable that his oppoſition would in any inſtance be *ran-* " *corous* or *factious*; inaſmuch as, though his life-eſtate is " ſecure, he would not wiſh unneceſſarily to excite the re- " ſentment of the Crown, or exclude his deſcendants or con- " nections, perhaps, from ſucceeding afterwards to ſuch a " poſt of honour and diſtinction in their native country: in " ſhort, this idea ſeems to admit ſuch a *qualified dependency*, " as will attach the perſon to the ſide of the Crown in that " proportion which the conſtitution itſelf allows, and yet ſo " much *real independency*, as will make him ſuperior to acts " of meanneſs, ſervility, and oppreſſion. Whether theſe " ſentiments are well-founded, or not, I ſubmit to the impar- " tial judgement of my reader; what I principally mean to " infer is, that the happineſs of theſe colonies much de- " pends upon a due *blending*, or *mixture*, of power and " dependence, and in preſerving a proper ſubordination of " rank and civil diſcipline."

And

And in pages 72 and 73 of the ſame pamphlet, there is another paſſage, beginning with the words, "I cannot cloſe this ſubject, &c." down to the words, "*ſound principles of the Engliſh conſtitution*," p. 73. l. 11, that is worthy of the reader's attention. And the late Mr. Andrew Oliver, (who was, firſt, Secretary, and afterwards Lieutenant-governour, of the province of the Maſſachuſets Bay,) in one of his letters to the late Mr. Thomas Whately, (who had been ſecretary to the treaſury under the late Mr. George Grenville,) dated Feb. 13, 1769, writes as follows. "You obſerve upon "two defects in our conſtitution, the popular election of "the Council, and the return of Juries by the towns. The "firſt of theſe ariſes from the charter itſelf; the latter from "our provincial laws. As to the appointment of the "Council, I am of opinion that neither the popular elec- "tions in this province, nor their appointment (in what "are called the royal governments) by the King's *man- "damus*, are free from exceptions; especially if the Council, "as a legiſlative body, is intended to anſwer the idea of "the Houſe of Lords in the Britiſh legiſlature. There they "are ſuppoſed to be a free and independant body; and on "their being ſuch, the ſtrength and firmneſs of the Conſtitu- "tion does very much depend: whereas the election, or ap- "pointment of the Councils in the manner before-mention- "ed, renders them altogether dependant on their conſtitu- "ents. The King is the Fountain of Honour; and, as ſuch, "the Peers of the realm derive their honours from him. But "then they hold them by a ſurer tenure than the Pro- "vincial Counſellors, who are appointed by *mandamus*. "On the other hand, our popular elections very often expoſe "them to contempt: for nothing is more common than for "the Repreſentatives, when they find the Council a little "untractable at the cloſe of the year, to remind them that "May is at hand. It is not requiſite, that I know "of, that a Counſellor ſhould be a freeholder. Accord-

"ing to the charter, his reſidence is a ſufficient qualification; "for *that* provides only that he be an inhabitant of, or "proprietor of lands within, the diſtrict for which he is "choſen: whereas the peers of the realm ſit in the Houſe of "Lords, (as I take it,) in virtue of their baronies. If "there ſhould be a reform of any of the colony-charters, "with a view to keep-up the reſemblance of the three "eſtates in England, the legiſlative Council ſhould conſiſt "of men of landed eſtates. But, as our landed eſtates "here are ſmall at preſent, the yearly value of £. 100 "ſterling *per annum* might, in ſome of them at leaſt, be a "ſufficient qualification. As our eſtates are partible after "the deceaſe of the proprietor, the honour could not be "continued in families, as in England. It might, however, "be continued in the perſon appointed *quamdiu ſe benè "geſſerit*, and proof might be required of ſome mal-prac-"tice before a ſuſpenſion, or removal. Bankruptcy, alſo, "might be another ground for removal."—"The King "might have the immediate appointment [of theſe coun-"ſellors] by *mandamus*, as at preſent in the royal govern-"ments."—"Beſides this legiſlative council, a privy coun-"cil might be eſtabliſhed." Theſe authorities are ſurely very reſpectable, and of prodigious weight in favour of ſuch an amendment of the conſtitutions of the King's Councils in North-America. Alterations of thoſe governments in favour of liberty, that are ſuggeſted and recommended by ſuch friends to Great-Britain as the authors of the foregoing paſſages, ſeem to be indiſputably reaſonable, and expedient, and fit to be adopted by Great-Britain.

ELEVENTHLY.—To declare, by reſolutions in both Houſes of Parliament, that it is not expedient to require the American colonies to contribute any thing toward the diſcharge of the national debt already contracted, in any mode whatſoever, either by taxes to be impoſed by the Britiſh Parliament

Parliament or by grants in their own aſſemblies, or in any other manner whatſoever; but only that it is juſt that they ſhould contribute in a reaſonable proportion, ſuited to their ſeveral abilities, to the *future* expences of the Britiſh empire, that are of a general nature, and relate to all the dominions of the Crown, and of which they reap the benefit, as well as the inhabitants of Great-Britain.

TWELFTHLY.—To offer an act of pardon, indemnity, and oblivion to all the Americans who have offended the laws, upon their laying-down their arms, and returning to the obedience of the Crown within a limited time: without making any exceptions whatſoever, not even of Mr. Samuel Adams and Mr. Hancock.

By ſuch a plan the principal cauſes of uneaſineſs and diſcontent amongſt the Americans would, as I conceive, be taken-away; and, conſequently, if they are ſincere in their declarations of a deſire to continue connected with Great-Britain, (as it ſeems highly probable that all the Colonies, except thoſe of New-England, are; and, perhaps, even in thoſe colonies, there may be many perſons of the ſame diſpoſition;) it ſeems reasonable to hope that it would be generally approved and accepted by them; and yet the ſupreme authority of the Parliament of Great-Britain would not be given-up.

F. M.

ON THE INEXPEDIENCY OF ESTABLISHING BISHOPS IN NORTH AMERICA.

To the Printer of the PUBLIC ADVERTISER.

SIR, *March* 24, 1778.

I SOME days ago obſerved that it ſeemed to be neceſſary, in the preſent happy diſpoſition of the miniſtry to meaſures of Conciliation, to remove the apprehenſions of the Americans concerning the eſtabliſhment of Biſhops amongſt them by the authority of the Crown, or of the Parliament. This meaſure I recommended, as being eſſential to the ſucceſs of the intended treaty with America; there being no reaſon to expect that the Americans will ever return to the allegiance of the Crown without a full ſecurity in this important article. As a proof of their anxiety upon this ſubject, I will now cite a paſſage from one of their publick papers, written ſo long ago as the year 1768, when few perſons, either there or in this country, could imagine that the diſſenſions then ſubſiſting between the two countries would in ſo ſhort a time have riſen to their preſent dreadful height. And we may well ſuppoſe, that what they then were anxious to obtain, they will not now receed-from. In the publick letter of the Houſe of Repreſentatives of the province of Maſſachuſetts Bay, in the month of January, 1768, to Mr. Dennis De Berdt, who was at that time their agent in England, (which is, indeed, a moſt able performance, and well worthy every gentleman's peruſal; ſee Almon's Remembrancer, number 34, page 167, and ſeq.) there is the following paſſage:

"The eſtabliſhment of a Proteſtant Epiſcopate in "America is alſo very zealouſly contended-for. And it "is very alarming to a people, whoſe fathers, from the "hardſhips

"hardſhips they ſuffered under ſuch an eſtabliſhment, "were obliged to fly from their native country into a "wilderneſs, in order peaceably to enjoy their privileges, "civil and religious. Their being threatened with the "loſs of both at once muſt throw them into a very diſa- "greeable ſituation. We hope in God ſuch an eſtabliſh- "ment will never take place in America; and we deſire "you will ſtrenuouſly oppoſe it. The revenue raiſed in "America, for aught we can tell, may be as conſtituti- "onally applied towards the ſupport of Prelacy as of ſoldi- "ers and penſioners. If the property of the ſubject is "taken from him without his conſent, it is immaterial "whether it be done by one man or five hundred, or "whether it be applied for the ſupport of Eccleſiaſtical or "Military power, or both. It may be well worth the "conſideration of the beſt politician in Great-Britain or "America, what the natural tendency is of a vigorous "purſuit of theſe meaſures." This paſſage, I preſume, is a ſufficient proof of the dread and averſion the Americans entertain for the eſtabliſhment of Epiſcopacy amongſt them.

Nor were they apprehenſive without reaſon that ſuch a meaſure was in agitation. For, in the firſt place, when the Britiſh parliament paſſed the act for impoſing a ſtamp-duty in America, in the year 1765, they enumerated, amongſt the written inſtruments that were made liable to pay that duty, the ſeveral inſtruments of Eccleſiaſtical law which are uſed in the courts of Eccleſiaſtical, or Epiſcopal, juriſdiction here in England, as Citations, Monitories, ſentences of Excommunication, and the like: and it is reported with confidence, that, when the late Mr. George Grenville, (who was, at that time, firſt Lord of the Treaſury, and Chancellor of the Exchequer) was told that the Enumeration of these inſtruments was unneceſſary, as no ſuch courts were known in America, he replied, that, though ſuch courts were not as yet eſtabliſhed in America, yet it was very poſſible that they might

might be eſtabliſhed there in ſome future period, and that then it would be proper that thoſe inſtruments ſhould pay the ſtamp-duty; and accordingly the Enumeration of theſe Eccleſiaſtical Inſtruments was continued in the ſtamp-act; and this is ſaid to have excited in the minds of the Americans a new apprehenſion of a deſign of this kind in the government of Great-Britain. I ſay, Mr. Printer, *a new* apprehenſion of this kind, becauſe they had more than once been alarmed with an apprehenſion of this danger before, from the great zeal ſhown upon this ſubject by ſome of the moſt eminent Engliſh biſhops in the late reign, amongſt whom I believe I may reckon the two famous biſhops of London, Dr. Gibſon and Dr. Sherlock, and moſt certainly the late Dr. Secker, archbiſhop of Canterbury, who (though he had been bred amongſt the Proteſtant Diſſenters, and in the former part of his life had embraced the profeſſion of Phyſick in one or other of its branches,) was remarkable for an uncommon degree of zeal for Epiſcopacy, and a moſt ardent deſire to extend its influence to America.

But this alarm, which had been excited amongſt the Americans by the Enumeration of the Inſtruments uſed by Eccleſiaſtical courts in the ſtamp-act, was greatly increaſed by a pamphlet written in the province of either New-Jerſey or New-York, in the year 1766, or 1767, in favour of the meaſure of eſtabliſhing a Proteſtant Biſhop in America. This pamphlet was generally ſuppoſed to be written by Dr. Chandler, a clergyman of the church of England, who was miniſter of a church-of-England congregation at Elizabeth-town, in New-Jerſey, about fifteen miles from New-York. It is ſaid to have been ably and plauſibly written, and to have made a ſtrong impreſſion both on the members of the church of England in North-America, and particularly in thoſe two provinces of New-

Jerſey

Jerſey and New-York, and on ſeveral men of power and influence in Great-Britain, ſo as to excite in them a ſtrong deſire of cauſing the meaſure of eſtabliſhing a biſhop in America to be adopted. At leaſt this was ſuppoſed by the Americans to be the effect of it. For, ſoon after the publication of this pamphlet, the diſſenters from the church of England in New-York, being much alarmed by an opinion of this kind, ſet on foot a periodical paper to anſwer the doctrines and ſuggeſtions contained in it, which they called *the American Whig*, and in which all the acts of cruelty and oppreſſion that had formerly been committed by biſhops of all ſorts, proteſtants as well as papiſts, and particularly thoſe done by archbiſhop Laud, biſhop Neal, and biſhop Wren, in King Charles the Firſt's time, (which occaſioned the great emigration of the Puritans to America, about the year 1630, by which the New-England colonies were firſt effectually peopled,) were brought afreſh to light, and painted in the ſtrongeſt colours. This *American Whig* came-out either once a week or once a fortnight, (I forget which,) during all the year 1767, and revived all the ancient apprehenſions and animoſities againſt biſhops, which for a long time before had (with but a few interruptions) gradually ſubſided. This paper (as we might naturally ſuppoſe it would do) produced a paper in anſwer to it, which alſo was publiſhed periodically, as well as the *American Whig*, and at the ſame intervals of time one from the other, that is, once a week, or once a fortnight. It bore a tremendous title, and was written, as far as I remember, in a ſtyle of great haughtineſs and inſolence. It was entitled, *A Scourge for the American Whig; by Timothy Tickle, Esq.* and to this *Scourge* a reply was written, in defence of the *American Whig*, and entitled, *A Kick for the Whipper; by Sir Isaac Foot;* which was likewiſe a periodical paper, that came-out once a week or once a fortnight. All theſe three

papers

papers were printed at New-York, in the years 1767 and 1768, and had the ill effect of ſetting the minds of the people of America in general, but particularly of the people in that city and province, of the two oppoſite ſects of Epiſcopalians and Preſbyterians, very much upon the fret againſt each other, ſo as to deſtroy all Chriſtian love and affection in them towards each other. And it was, probably, in conſequence of the ferment cauſed by theſe papers, and of the apprehenſion of having a biſhop eſtabliſhed in America, which had occaſioned the writing them, that the Houſe of Repreſentatives of the province of the Maſſachuſetts-Bay inſerted the above-recited paragraph in their letter to Mr. De Berdt, their agent, deſiring him to uſe his utmoſt efforts to prevent ſo dangerous an eſtabliſhment.

But, if the publication of Dr. Chandler's pamphlet was ſufficient to alarm the Americans with the apprehenſion of having a biſhop eſtabliſhed amongſt them, how much more would they be alarmed (if they were again ſubject to the Crown) at the declaration contained in the ſermon of the Archbiſhop of York *, that ſuch a meaſure was become indiſpenſably neceſſary? Such a declaration from ſuch a perſon (who has been many years preceptor to the heir-apparent of the Crown, and has ſince been promoted to the ſecond ſtation of dignity in the church, as a mark of his Majeſty's approbation of his conduct and principles) would be conſidered by them as an authentick, publick, notification that a deſign of this kind was deliberately reſolved-on in the cabinet, and would of itſelf, if every thing elſe was ſettled to their ſatisfaction, be almoſt ſufficient to drive them into a new rebellion. The paſſage in which his Grace makes this declaration concerning the eſtabliſhment of biſhops in America, is as follows:

* Dr. William Markham, in a Sermon preached before *the Society for propagating the Gospel*, on the 21ſt day of February, 1777.

"We

" We may now perhaps diſcover a ray of brightneſs. " But for the continuance and increaſe of it we muſt rely " on the wiſdom of our governours, in confidence that " neceſſity will at laſt provide thoſe remedies which fore- " ſight did not: that the dependance of the colonies may " be no longer nominal. And for our ſpiritual intereſts, " we hope the reaſoning which was ſo juſt in the caſe of " Canada, "'that, if you allowed their religion, you muſt " allow a maintenance for their clergy,'" will be thought, " at leaſt, equally ſtrong when it pleads for our own " church; that thoſe who are diſpoſed to worſhip God " in peace and charity, may be thought entitled to a " regular and decent ſupport for their miniſters; that " they may not continue to want the important office of " Confirmation, without the benefit of which even a Tole- " ration is not compleat; and that thoſe who have a call " to the miniſtry, may not be obliged to ſeek Ordination " at an expenſe which is very grievous, and with the " hazard of a long voyage, which has been already fatal " to many of them. We have, ſurely, a right to expect " that the only Eſtabliſhed church ſhould not, againſt all " example, remain in a ſtate of oppreſſion, and that, " whatever encouragements may be afforded, they ſhould " rather be *for* the profeſſing it than *againſt* it."

This paſſage, I preſume, cannot poſſibly be underſtood in any other ſenſe than as a declaration that, in the firſt place, the Governments of the American colonies muſt be new-modelled, and made leſs popular, and more dependant on the Crown, than they now are; and likewiſe that a powerful ſtanding-army muſt be kept in them, to ſecure their future obedience, or to the end that their dependance may be *no longer nominal*; and 2dly, that tythes, or ſome other tax, ought to be impoſed on the laity in America for the ſupport of the church-of-England

Clergy

Clergy, in the ſame manner as has been done in Canada for the maintenance of the Romiſh clergy; and 3dly, that one or more Proteſtant Biſhops ought to be eſtabliſhed in America, who ſhould be conſtantly reſident there, to Ordain clergymen, and adminiſter the office of Confirmation. Now either of theſe meaſures, taken ſeparately, would have been ſufficient to excite the Coloniſts to rebellion, if they had been in perfect peace with Britain before they had been undertaken. It is therefore neceſſary to give the Americans the fulleſt parliamentary ſecurity that they never will be attempted; and more particularly the laſt meaſure, of ſettling a biſhop amongſt them, becauſe that is a meaſure that has been mentioned by many other perſons of weight and influence in England before the Archbiſhop of York, and has given the Americans great uneaſineſs.

A FRIEND TO RECONCILIATION.

F. M.

A PARAPHRASE ON A PASSAGE IN A SERMON PREACHED BY THE MOST REVEREND DR. WILLIAM MARKHAM, ARCHBISHOP OF YORK, BEFORE THE SOCIETY FOR PROPAGATING THE GOSPEL, ON THE 21st OF FEBRUARY, 1777;

WHEN IT WAS EXPECTED BY THE PERSONS WHO HAD ADVISED THE AMERICAN WAR, THAT THE REVOLTED COLONIES IN AMERICA WOULD SOON BE INTIRELY SUBDUED, AND REDUCED TO THE OBEDIENCE OF THE BRITISH PARLIAMENT.

THE paſſage itſelf, which is here intended to be paraphraſed, is in theſe words. "*Our proſpects indeed have* "*been long dark. We may now, perhaps, diſcover a ray* "*of brightneſs. But for the continuance and increaſe of it* "*we muſt rely on the wiſdom of our Governours; in confi-* "*dence that Neceſſity will at laſt provide thoſe remedies* "*which Foreſight did not; that the dependance of the* "*colonies may be no longer nominal. And, for our Spiri-* "*tual intereſts, we hope the reaſoning which was ſo juſt in* "*the caſe of Canada, "That, if you allowed their religion,* "*you muſt allow a maintenance for their Clergy,"* will be "*thought at leaſt equally ſtrong when it pleads for our own* "*Church: that thoſe who are diſpoſed to worſhip God in* "*peace and charity, may be thought entitled to a regular* "*and decent ſupport for their miniſters;—that they may not* "*continue to want the important office of Confirmation; with-* "*out the benefit of which even a Toleration is not compleat;* "*—and that thoſe who have a call to the miniſtry may not* "*be obliged to ſeek Ordination at an expence which is very* "*grievous, and with the hazards of a long voyage, which* "*has been already fatal to many of them. We have ſurely* "*a right to expect, that the only Eſtabliſhed Church ſhould* "*not, againſt all example, remain in a ſtate of oppreſſion,*

"*and*

" *and that, whatever encouragements may be afforded,*
" *they ſhould rather be for the profeſſing it than againſt*
" *it.*

" *As to what relates to the delinquents, we, for our*
" *parts, ſhould wiſh to ſay,* "' *Go, and ſin no more:*" *But*
" *the Intereſts of great States require ſecurities that are not*
" *precarious.*"

This paſſage is expreſſed in ſmooth and plauſible language: but it contains a variety of moſt bitter propoſitions. I preſume it may be fairly paraphraſed in the following manner.

" Our proſpects of reducing the rebel Americans to an
" unconditional ſubmiſſion to the authority of the mother-
" country, ſince the breaking-out of the preſent troubles,
" have, till lately, been but gloomy. Their armies had in-
" vaded and reduced all Canada to their obedience, in the
" winter of the year 1775, except the ſingle town of Que-
" beck;—and had blocked-up General Howe, with all the
" Britiſh troops that were then in New-England, within
" the town of Boſton during the ſame winter, and had at
" laſt obliged him to abandon it in the month of March of
" the following year 1776, and fly with his army to Halifax
" in Nova Scotia;—and they had repulſed the Britiſh fleet
" and army under the command of General Clinton and
" Sir Peter Parker, in an attempt they made in the ſame
" year to poſſeſs themſelves of Charles-Town in South
" Carolina:—inſomuch that, about half a year ago,
" neither his Majeſty's troops, nor thoſe ſubjects of his
" Majeſty in America who had preſerved their allegiance
" to him, poſſeſſed a ſingle foot of land throughout all the
" thirteen revolted colonies. But now of late the for-
" tune of the war has begun to change. A ray of bright-
" neſs has broke-forth in the ſucceſſes of the army under
" Sir William Howe in New-York and New-Jerſey, and

" of

" of that under General Burgoyne and General Carleton
" in Canada. The ſiege of Quebeck has been raiſed, and
" the whole of that extenſive province recovered by the
" latter generals; and the principal army of the rebel
" Americans has been defeated by General Howe in Long
" Iſland; and they have been ſince driven from their forti-
" fied poſts at New-York and King's Bridge, and from
" their forts near Hudſon's river; and great part of the
" provinces of New-York and New-Jerſey has been redu-
" ced to the obedience of the Britiſh Crown:—And, from
" the precipitate manner in which the American army
" has every where fled before the Britiſh troops, there is
" good ground to hope that, in the courſe of one more
" campaign, the whole appearance of reſiſtance to the
" authority of Great-Britain in America will be at an end.
" *Then* will be the time for *confirming* and *rivetting* the
" dominion of the Mother-country over thoſe turbulent
" and ungrateful dependencies, by making ſuch wiſe and
" effectual civil regulations as ſhall prevent a return of the
" preſent diſturbances;—regulations which ought to have
" been made long ago by the government of Great-Bri-
" tain, if that government had had a proper degree of fore-
" ſight and attention to the ſeditious and republican prin-
" ciples that had long prevailed in thoſe colonies, and to
" the miſchiefs which thoſe principles were likely one day
" to produce. They will, however, be now made at laſt,
" ſince the want of them has been ſo fatally experienced.
" The dependance of thoſe colonies on Great-Britain will
" be no longer *nominal*, but *real* and *ſtrong* and *permanent*,
" in conſequence of theſe new regulations which Neceſſity
" will have taught the Britiſh government at length to
" eſtabliſh.

" What theſe regulations will be, cannot yet be known
" with certainty. But, from the meaſures which the wiſ-

" dom of Parliament has already adopted with reſpect to " ſome parts of North-America, we may conjecture that " they will not be very different from thoſe that follow.

" In the firſt place, the democratical charters of Con- " necticut and Rhode-Iſland (which veſt in the people of " thoſe provinces the right of annually chooſing their own " Governors, Councils, and Aſſemblies without any inter- " ference of the crown,) will be either totally aboliſhed, as " abſurd and incompatible with the genius of the Britiſh " government, (which, though in ſome reſpects limited, is, " in its eſſence and principle, monarchical,) or will be " greatly altered by the wiſdom of the Britiſh legiſlature, " and rendered more dependant on the crown; as the char- " ter of that other, and moſt turbulent, province of *New-* " *England*, the Maſſachuſett's Bay, (though leſs democrati- " cal than the two former,) was in the year 1774, by the " advice of thoſe eminent ſtateſmen, Lord North and Lord " George Germaine*.

" In the ſecond place, the proprietary governments of " Penſylvania and Maryland will, moſt probably, be alſo " corrected by the ſame wiſe and ſupreme legiſlature; and " the powers of government which are veſted by the char- " ters of thoſe colonies in the heirs of William Penn and " Lord Baltimore, (the founders of them,) will be reſumed " into the king's hands, upon reaſonable compenſations in " honour and profit made to the ſaid heirs for the loſs of " thoſe hereditary juriſdictions, and will be annexed perpetu- " ally to the crown, from which they ought never to have " been ſeparated. This meaſure we may conſider as almoſt " ſure of being adopted in the new regulation of the Ame-

* See Almon's Parliamentary Debates for the year 1774, pages 116—122.

" rican

" rican colonies that is now in contemplation, on account " of its indiſpenſable importance towards eſtabliſhing that " dependance of thoſe colonies on Great-Britain which is " ſo much the object of our wiſhes.

" And, thirdly, we may ſuppoſe that in the ſaid province " of Penſylvania, (in which, hitherto, can you believe it ? " there has been no council to balance and controul the " aſſembly elected by the people,) the wiſdom of parlia- " ment will think it neceſſary to eſtabliſh a council that " ſhall be compoſed of perſons of the greateſt weight and " dignity in the province, to be nominated by the Crown, " and who ſhall alſo be removeable at the pleaſure of the " Crown. And it ſeems probable, alſo, that the number of " counſellors ſo to be appointed will be made variable at the " pleaſure of the Crown between the numbers of *twelve* " counſellors and *thirty-ſix*, or ſome other pretty diſtant " limits; ſo that the king, in his royal wiſdom, may, at " any time, either add to, or take from, the ſaid coun- " cil a great number of members, whenever he ſhall think " the members already belonging to it not ſufficiently at- " tentive to the maintenance of his royal prerogative. " For this has been already done with reſpect to the new " council eſtabliſhed in the Maſſachuſett's Bay by the late " judicious act for amending their charter, which was " paſſed in the year 1774 by the advice of the aforeſaid " great ſtateſmen.

" In the fourth place, we may hope that all the judges " and ſheriffs, and other officers of juſtice in the ſeveral " provinces in America, will be made compleatly depen- " dant on the Crown, ſo as to be both nominated by the " king, and removeable by him at his pleaſure, inſtead of " either being elected by the people, (as they now are in " ſome of the colonies by virtue of their unfortunate char- " ters,) or of being appointed by the crown in a permanent

" manner, or during their lives or good behaviour, as the " judges are appointed here in England. And at the ſame " time we may preſume that the Britiſh Parliament, or the " Crown, will take care to increaſe the ſalaries of theſe " judges and other officers of juſtice in every province, ſo " as to make their offices become objects of ambition and " competition to all the moſt able and active lawyers in the " province, who will thereby be induced to vie with each " other in duty and loyalty to the king's majeſty, and in " zeal for the maintenance of his Royal Prerogative, in or- " der to obtain them. This will be a moſt uſeful regulation, " and cannot fail of producing the beſt effects: and it has " been already adopted in the important province of the " Maſſachuſett's Bay with reſpect to the judges of the ſupe- " riour court there.

" In the fifth place, we may ſurely expect that the Britiſh " government will greatly increaſe the number of officers " employed in the collection of the cuſtoms in America, " and in enforcing the execution of the laws of trade " amongſt them, which have hitherto been moſt ſhamefully " evaded. This will be doubly uſeful; inaſmuch as it will " not only tend to produce the juſt and full execution of " thoſe laws, but will create a new ſet of perſons dependant " on the Crown, and diſpoſed to ſupport its Prerogative. " This has already been done in ſome degree by erecting " the Board of Commiſſioners of Cuſtoms for North- " America, with handſome ſalaries of 500*l.* a year a piece. " But much more of the ſame kind remains to be done in " order to give this meaſure its full and proper effect.

" In the ſixth place, it ſeems by no means improbable " that a moſt judicious piece of policy which has lately been " adopted with reſpect to the great province of Quebeck, " may be extended to the other provinces of North-Ame- " rica: I mean the meaſure of annexing a ſalary of 100*l.*

" ſterling

" ſterling a year to the office of a counſellor of the province,
" or member of its legiſlative council. For it is obvious
" that ſuch a meaſure, if extended to thoſe other provinces,
" would greatly contribute to keep the members of the
" ſeveral councils of them in a habit of conſtant fidelity and
" attachment to the intereſts of the Crown and of Great-
" Britain.

" In the ſeventh place, it will evidently be proper to build
" forts, or citadels, in all the principal towns of North-
" America, and likewiſe at the mouths of all the principal
" rivers there; more eſpecially at Boſton, New-York,
" Philadelphia, Albany in the province of New-York, and
" Charles-Town in South-Carolina, and at the mouths of
" the rivers Connecticut, Hudſon, and Delaware;—and to
" keep-up ſtrong garriſons in them; in order to curb the
" licentiouſneſs of the people, and to keep them in that
" ſtate of peace and ſubjection to the crown to which we
" have reaſon to hope they will ſoon be reduced. The
" number of troops requiſite for this ſalutary purpoſe will,
" I preſume, be about thirty thouſand men.

" Without this very important meaſure it would not be
" poſſible to carry the former meaſures into execution;—
" at leaſt till the people of thoſe provinces had become
" habituated to the new kind of government eſtabliſhed
" over them, and had formed their hopes, and views, and
" ſentiments, accordingly. This meaſure is therefore in-
" diſpenſably neceſſary, that the dependance of the colo-
" nies on Great-Britain may be no longer nominal, as,
" by the ſupine conduct of former miniſters of ſtate, it has
" been hitherto.

" And, as the foregoing regulations, and more eſpecially
" the laſt, will evidently require a very conſiderable ſum of
" money to be every year expended by government; and
" it is but reaſonable that the Americans ſhould pay this

" money, which their own ingratitude and obſtinacy will " have made it neceſſary for Great-Britain to expend upon " them;—and the produce of the few port-duties now " ſubſiſting in America will be much too ſmall to defray " this great expense;—it will be neceſſary in the eighth " place, that the parliament of Great-Britain ſhould eſta- " bliſh ſome further port-duties in America, to be applied " to the foregoing purpoſes, or to the ſupport of the new " civil and military eſtabliſhment which will be made " there.—And perhaps, alſo, it will be thought expedient " to lay ſome reaſonable and equitable internal tax on the " Americans in aid of the ſaid port-duties, which might " hardly by themſelves be ſufficient to defray the whole ex- " penſe of ſo large an eſtabliſhment. Such, for example, " might be another ſtamp-duty, upon the plan of that " which was laid upon the Americans by the Britiſh par- " liament in the year 1765, and too haſtily, and moſt un- " happily, taken-off in the following year, 1766; and " which, by the confeſſion of the Americans themſelves, " was the moſt judicious internal tax that could be impoſed " upon them, if (ſay they) it had been right to impoſe any " tax at all. This tax, therefore, might be again impoſed " upon the Americans, after the appeal to the deciſion of the " Almighty, which the Americans have made concerning " the right of the Britiſh parliament to govern them, ſhall " have been determined againſt them, as we may hope it " will now ſoon be. And, if this tax ſhould be again im- " poſed on them, it will probably be neceſſary to double " the quantity of it, on account of the great exceſs of the " expenſe of the new American eſtabliſhment, (which the " rebellious conduct of the Americans will have rendered " neceſſary,) above that which was thought ſufficient at the " time of paſſing the former ſtamp-act.

" Theſe, and other ſuch, meaſures will probably be

" thought

" thought by the Britiſh parliament to be the proper and " neceſſary remedies for the ſeditious diſorders of America, " and will, therefore, no doubt, be applied without delay, " in order to preſerve a *real*, and not *a nominal*, dependance " of thoſe colonies on Great-Britain. And thus the *tem-* " *poral* affairs of that country will now ſpeedily be ar- " ranged.

" But what more immediately demands our attention, " and, no doubt, muſt excite the concern of the congrega- " tion here aſſembled, is the *ſtate of religion* in thoſe pro- " vinces; which, it muſt be confeſſed, has hitherto been " too little attended-to by the government of Great-Britain. " But now we may juſtly hope this fault will be repaired, " and that ſuch meaſures will be adopted, in favour of the " pure and holy church of which we are members, as ſhall " effectually eſtabliſh and ſupport it throughout all America. " Theſe, we may preſume, will be as follows.

" In the firſt place parliament will now, at laſt, eſtabliſh " tythes, or ſome other legal payment, in the colonies of " America, for the maintenance of the clergy of the church " of England that are ſettled in it. This ſeems ſo highly " reaſonable, that it is almoſt a matter of ſtrict juſtice. For " it is no more than what has been done in Canada, by " the late Quebeck-act, in favour of the clergy of the church " of Rome, upon this equitable principle, 'That, if the " Britiſh government allowed the religion of the Roman- " catholicks to be profeſſed in that province, (which, by " the capitulation in 1760, and the treaty of peace in 1763, " it ſeemed bound in juſtice to do,) they muſt alſo provide " a maintenance for their prieſts.' " Now, ſurely, the " ſame principle may be applied to our own church, and " will prove that, ſince it is neceſſary to allow the religion " of the church of England to be profeſſed in the other

" colonies of North-America, it is alſo neceſſary to provide " a maintenance for its miniſters.

" Nor ought theſe payments for the maintenance of the " miniſters of the church of England to be made only by " thoſe perſons who are members of the church. This " would be much too narrow a fund for the decent and " honourable ſupport of that denomination of proteſtants " who may be called the only *eſtabliſhed church* in all Ame- " rica. In conſequence of this pre-eminence of our holy " church above all the ſectarian perſuaſions in religion, " (which, indeed, are but too frequent and numerous in " thoſe provinces, but which, in a legal conſideration, are " *only tolerated* in them, and *not eſtabliſhed*, any more than " they are here in England,) it is fit and juſt that a general " contribution ſhould be made for the maintenance of its " miniſters by all the inhabitants of America without " diſtinction, even as here in England preſbyterians, and " quakers, and other diſſenters from the eſtabliſhed church, " are obliged to pay tythes to its miniſters. For thoſe who " are diſpoſed to worſhip God in peace and charity, that is, " the members of the church of England, are *entitled* to a " regular and decent ſupport for their miniſters.

" In the ſecond place, it may be hoped that the parlia- " ment will make uſe of the preſent glorious opportunity *to* " *eſtabliſh biſhops in America*. This is a meaſure of the " utmoſt conſequence to both the laity and the clergy of " the church of England in America;—to the laity, that " they may not want the important office of Confirmation, " without the benefit of which even a Toleration of the " church of England is not compleat:—and to the young " men who devote themſelves to the miniſtry of the goſpel, " by affording them an opportunity of receiving epiſcopal " ordination in the country in which they have been born

" and

" and educated, without being forced, (as they have been " hitherto,) to come to England for that purpoſe, at an ex- " penſe which they can ill ſupport, and with the hazard " of their healths and lives in a long ſea-voyage, which has " been already fatal to many of them. Till this important " meaſure is adopted, and carried into effectual execution, " by eſtabliſhing a proper number of biſhops in America, " with revenues ſuitable to the dignity of their office and " ſtation, the church of England (though it is, in point of " *right and law*, the only eſtabliſhed church in America,) " may be truly ſaid to be *in fact* in a ſtate of perſecution or " oppreſſion, while every other denomination of proteſtants " enjoys the higheſt degree of liberty: which is an event " of a ſingular nature, and contrary to the example of all " other governments in the world; as *they* always take care " to provide ſuitable encouragements and ſupports for the " ſeveral religions they think fit to adopt and eſtabliſh. It " is fit, therefore, that England ſhould, at laſt, follow the " ſame juſt policy, and that every encouragement that the " Britiſh government can afford to any religion in America " ſhould be afforded to that of the church of England.

" As to what relates to the perſons who have engaged in " this wicked and unnatural rebellion, we, that are miniſters " of the goſpel of peace and mercy, ſhould, if we were to " follow the inclinations of our hearts, rejoice to ſee thoſe " offenders diſcharged, at the cloſe of theſe troubles, with no " other puniſhment or reproof, than our Saviour's exhorta- " tion to the woman taken in adultery, '*Go, and ſin no* " *more.*' But policy and prudence forbid ſo mild a con- " duct, and make it neceſſary to the future ſafety and tran- " quillity of the ſtate, that many of thoſe who have been " moſt guilty in exciting this rebellion in America ſhould " receive due puniſhment for their crimes by the ſentence

" of

" of thoſe laws which they have ſo wantonly and atrociouſly
" violated. The members of the Continental Congreſs in
" particular, who have paſſed the vote of Independance,
" and thereby themſelves renounced, and inſtigated their
" countrymen to renounce, the allegiance due to the king's
" ſacred majeſty, muſt be conſidered as having offended be-
" yond all hopes of mercy ; which, if it were extended to
" offenders of that deep malignity, might be juſtly cenſured
" as weak and dangerous, and injurious to the publick wel-
" fare. For it would counter-act the good effects of the
" ſucceſſes with which God hath been pleaſed to bleſs our
" arms in this unhappy conteſt, and would render precari-
" ous the future peace and tranquillity of the American
" colonies, and the future authority of Great-Britain over
" them, (by which alone that tranquillity can be preſerved,)
" by preventing the exiſtence of the ſtrongeſt of all ſecu-
" rities for the continuance of thoſe bleſſings, to wit, the
" terror ariſing from the ſight and memory of a ſevere and
" extenſive execution of the laws againſt thoſe who have ſo
" wickedly overthrown them. Theſe very great offenders,
" therefore, together with the principal members of the
" ſeveral provincial aſſemblies, or conventions, that have
" uſurped the government of their reſpective provinces ſince
" the general rejection of his Majeſty's lawful authority,
" we muſt now prepare ourſelves to ſee puniſhed in the
" manner the laws direct, in order to inſure to future gene-
" rations the advantages of peace and harmony between
" Great-Britain and the American colonies, with a due ſub-
" ordination of the latter to the parental authority of the
" former, which, by God's bleſſing on his Majeſty's arms,
" are likely now ſoon to be eſtabliſhed."

This I take to be a fair and moderate interpretation of the above-mentioned paſſage of the Archbiſhop of York's ſermon.

ſermon. The ſeven propoſitions, or regulations, herein before diſtinctly ſet-forth in the firſt part of the foregoing paraphraſe, are thoſe which I conceived, upon reading the ſaid paſſage of that ſermon, the archbiſhop muſt have had in his mind at the time he wrote it, and would have ſet forth and avowed, if he had been under a neceſſity of pointing-out diſtinctly *what thoſe remedies* of the political diſorders in America *were*, which, he ſays, Neceſſity will now at laſt provide, though Foreſight did not. And I am confident that no American that reads that ſermon, will conceive it to mean leſs.—And, as to the latter propoſitions concerning the ſtate of the church of England in America, and the neceſſity of eſtabliſhing tythes there, or ſome other legal and general payments, (to be made by all the inhabitants of America, as well as by the members of the church of England,) for the maintenance of the clergy of the church of England, and likewiſe of eſtabliſhing biſhops there;—I ſay, as to theſe latter propoſitions, they are expreſsly contained in the Archbiſhop's own words, which cannot be made intelligible, or conſiſtent with themſelves, by any other interpretation.—Nor can the laſt paragraph of the aforeſaid paſſage of the Archbiſhop's ſermon, in which he ſays conciſely, "*That the intereſts of great ſtates require ſecurities that are not precarious,*" be well ſuppoſed to have a leſs extenſive meaning than that which is above aſcribed to it.

There is alſo another very remarkable paſſage in that ſermon of the Archbiſhop of York, which relates to a moſt reſpectable body of people here in England itſelf; I mean the proteſtant diſſenters. Theſe people have ſo far incurred his grace's diſpleaſure, by expreſſing a diſapprobation of the meaſures that have been taken againſt America, that he treats them as the worſt enemies of government, and declares that the ſevere laws which were formerly made

againſt

againſt papiſts in the reigns of queen Elizabeth and king James I. in conſequence of their frequent plots to dethrone and aſſaſſinate the former, and of the famous gunpowder plot in the beginning of the reign of the latter, (by which they deſigned to deſtroy at once the king and both houſes of parliament,) ought now to be extended to theſe new, but equally dangerous, domeſtick enemies. The paſſage in which this ſentiment is conveyed, is in theſe words. "*When a* "*ſect is eſtabliſhed, it uſually becomes a party in the ſtate:* "*it has its intereſts; it has its animoſities; together with* "*a ſyſtem of civil opinions, by which it is diſtinguiſhed, at* "*leaſt as much as by its religious. Upon theſe opinions,* "*when contrary to the well-being of the community, the au-* "*thority of the ſtate is properly exerciſed.*

"*The laws enacted againſt papiſts have been extremely* "*ſevere: but they were not founded on any difference in re-* "*ligious ſentiments. The reaſons upon which they were* "*founded were purely political.*

"*The papiſts acknowledged a ſovereignty different from* "*that of the ſtate; and ſome of the opinions which they main-* "*tained made it impoſſible for them to give any ſecurity for* "*their obedience. We are uſually governed by traditional* "*notions, and are apt to receive the partialities and averſions* "*of our fathers. But new dangers may ariſe: and, if at* "*any time another denomination of men ſhould be equally* "*dangerous to our civil intereſts, it would be juſtifiable to* "*lay them under ſimilar reſtraints.*"

I preſume it can hardly be doubted that the meaning of the laſt ſentence of this paſſage, when turned into ſtill plainer Engliſh, is as follows. "The preſbyterians and other pro-" teſtant diſſenters of England are at this day as much ene-" mies to government, and as dangerous to our civil " intereſts, as the papiſts were in the reigns of queen Eliza-

" beth

" beth and king James I. when thoſe ſevere laws were " made againſt them. Therefore it is now equally juſt and " neceſſary to make the like laws againſt the ſaid proteſtant " diſſenters."

This is a ſtrange accuſation to be brought againſt that body of men in England who have, of all others, been moſt uniformly and zealouſly attached to the government of the princes of the houſe of Hanover, ever ſince the firſt moment of their acceſſion to the throne of theſe kingdoms !—and for no other crime but expreſſing a diſapprobation of the wild and dangerous project of attempting to govern three millions of people, at the diſtance of three thouſand miles, in a manner they did not like, by means of a great army, compoſed in part of hired foreigners ;—a project which was likely to be almoſt equally pernicious to Great-Britain, whether it did, or did not, ſucceed. For, if it had ſuccceded, it would have increaſed the power and influence of the crown (which are already generally thought to be too great,) in ſo great a degree as to have rendered the liberties of England itſelf precarious, or dependant on the perſonal character and virtues of the king upon the throne ; and it would likewiſe have occaſioned a prodigious additional annual expenſe to Great-Britain, to maintain the army which would have been neceſſary to keep America in ſubjection, after it had been ſubdued ;—an expenſe which would have far exceeded all the taxes that could have been raiſed for that purpoſe in America, together with all the profits that Great-Britain could have derived from the preſervation and monopoly of its trade. And, if it did not ſucceed, (which was much the more likely event, and that which we now ſee and feel, has happened,) it was likely to be attended with the total loſs of the colonies of North-America, (which would in ſuch a caſe make themſelves independ-

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ant of Great-Britain,) together with that of the Weſt-India iſlands, and the Newfoundland fiſhery, and (in conſequence of theſe loſſes) with the diminution of our trade and maritime power, the decreaſe of the produce of the cuſtoms and exciſe, the leſſening of the ſecurity of the national debt, and the neceſſity, at the ſame time, of continually laying-on new taxes, which muſt, in ſuch a ſtate of things, be principally levied upon the landed property of the kingdom. All theſe misfortunes, and more, were likely to be the conſequence of the failure of ſucceſs in this attempt to ſubjugate America. And that this attempt would fail of ſucceſs, was eaſily foreſeen, and publickly and repeatedly foretold, not only by many of the proteſtant diſſenters of the kingdom, but by numbers of people of other deſcriptions in it, who thought it highly improbable that France (notwithſtanding her profeſſions of friendſhip and fidelity to her engagements with Great-Britain,) would forbear to interfere in favour of the colonies in one period or other of the diſpute, in order to prevent the reconciliation and re-union of thoſe two great members of the Britiſh empire, and (to uſe Dr. Franklin's expreſſion in his memorial to the court of France in the autumn of the year 1777,) *to improve the moſt favourable opportunity that had ever been offered her, of humbling her moſt powerful and hereditary enemy*. And now the event has ſhown that this apprehenſion was but too well grounded. It ought not therefore to be imputed as a crime to the proteſtant diſſenters of the kingdom, that they oppoſed that impolitick ſyſtem of meaſures which, they ſaw, was likely to bring ruin on the nation, and deprive his Majeſty of a great and moſt flouriſhing part of his dominions;—and much leſs ought it to be conſidered as a crime of ſo deep a dye as to warrant the very ſevere meaſures which the Archbiſhop recommends to be taken againſt them, of treating them

them as a ſet of people who, by principle, are enemies to the conſtitution of their country, and of extending to them, on that account, the laws formerly made againſt papiſts.

As for the other event of this attempt to ſubjugate America, I mean the ſucceſsful one, the Archbiſhop himſelf has furniſhed all lovers of civil liberty with the moſt ſubſtantial reaſons for wiſhing that it might not happen, by diſplaying to them the ſyſtem of meaſures which, he thinks, in that event, ought to have been, and would have been, adopted, by thoſe who direct the publick counſels of this nation, for the future regulation of America, to wit, the ſyſtem which is contained in the firſt paſſage above-recited from his grace's ſermon, and of which I have ventured in the foregoing pages to furniſh the reader with a paraphraſe. For, if America had been perfectly ſubdued, and reduced, (as the faſhionable expreſſion was,) *to unconditional ſubmiſſion*, and, in conſequence of ſuch reduction, the aforeſaid ſyſtem of meaſures, (which are deſcribed in the above paraphraſe, and which I conceive to have been thoſe which the Archbiſhop muſt have had in his eye when he preached that ſermon,) had been adopted by the Britiſh parliament; I muſt freely confeſs that I ſhould have thought it a greater misfortune than even the contrary, and more probable, event, which has happened, with all the train of melancholy conſequences that ſeem likely to accompany it,—ſuch as the loſs of all our poſſeſſions both in North-America and the Weſt-Indies, together with that of the Newfoundland fiſhery (though ſo valuable to us as a nurſery for ſeamen,) and that of Gibraltar and Minorca, and of all our poſſeſſions in Africa and the Eaſt-Indies. Theſe, I acknowledge, are great misfortunes: but the loſs of the civil liberties of the nation, or their being rendered precarious and dependant on the perſonal character and virtues of the king for the time being, (which would have

have been the conſequence of the ſyſtem of meaſures recommended by the archbiſhop,) would be a much greater. And in this opinion, I truſt, I am not ſingular, but have the concurrence of thouſands and tens of thouſands of my fellow-ſubjects.

" ——— *Probibe lamenta ſonare;*
Flere vetа populos; lacrymas, luctús que remitte:
Vincere PEJUS erat."

Lucani Pharſalia, Lib. 7, vers. 707, 708, 709.

F. M.

OF THE STATE OF NORTH AMERICA, AFTER THE CAPTURE OF LORD CORNWALLIS'S ARMY.

For the MORNING CHRONICLE.

London, Auguſt 7, 1782.

MR. PRINTER,

INCLOSED you have a letter wrote by a gentleman in South-Carolina to his friend in London, without the alteration of a word or ſyllable. The writer I know to be a native of South-Britain, and that he is a gentleman of large property in America, where he has reſided near twenty years. The knowledge and ability of the writer, and the fitneſs and propriety of the plans and reaſons ſuggeſted, are ſubmitted to the opinion of the nation; but whatever the politics of the day may determine, I am confident that Great-Britain will ere long be convinced, that it was her intereſt and her wiſdom to have adopted and purſued them with an ardour, which is due to that patriotiſm, integrity, and good ſenſe, with which they are recommended by the writer, for the benefit of his King and country.

A. B.

South-Carolina, March 28, 1782.

In the preſent ſituation of affairs, to be ſilent is to be criminal; and I ſhould ill deſerve the confidence and friendſhip I have ſo repeatedly experienced from you, if I did not give you my ſentiments candidly on the times.

The fall of Lord Cornwallis is, beyond a doubt, a misfortune of the firſt magnitude, but by no means places America in ſo independent a ſituation as the firſt com-

plexion of this unfortunate event ſeemed to give it in the eyes of the enemies to Great-Britain; but I am confining myſelf to the ſouth country altogether, and, before I write another ſentence, I will be free enough to own the impoſſibility *now* of reducing the northern country to obedience, for there I confeſs it is *taking a bull by the horns.* But the caſe is very different to the ſouthward. The fall of Lord Cornwallis was not effected by the abilities, members, or reſources of America: it was the power of France, it was their ſuperior navy, and the infamous conduct of our own, that did the buſineſs: till the French gained this deciſive advantage, our troops, though inferior in numbers, marched from one end of Virginia to the other, backwards and forwards, with little or no loſs. You will ſay this is not conquering the country; I grant it; but it is exhauſting it in ſuch a manner, that another campaign, with ſucceſs, muſt ſo cripple it, as to render it incapable of ſupporting itſelf againſt your operations. Whilſt this was doing, about ſixteen hundred troops, under a ſenſible and an active officer, kept North-Carolina not only at bay, but in actual ſuſpenſe; whilſt the Tories were ranging at large, and with ſupport and judicious officers, would have very ſoon poſſeſſed themſelves of all the principal leaders in that country againſt Britain. Why nothing was attempted to be done in South-Carolina, with ſo fine an army, is a paradox only to be ſolved by comparing it with what *was not done to the northward.*

Had my humble ideas prevailed either in England or New-York, Green would not have inſulted a ſuperior army ſo long and ſo fatally. I propoſed (in my mind) that the laſt reinforcement from England would have been made 1500 ſtrong, and that ſuch a number would have been ſent into North-Carolina, and either landed at Cape Fear or Edenton; and forced their march to the weſtward,

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and back of Green, whilſt the ſouthern army puſhed him in front; a few weeks muſt have decided his fate, and he would have been fortunate if he *could capitulate—this was what he dreaded*; and therefore a moſt ſubſtantial reaſon why it was not done: at that time near 6 or 7000 men were under parole, their internal government diſtracted, their governor a priſoner, and Wilmington open as an aſylum and protection for the loyaliſts; the greateſt difficulty attended ſupplies getting to Green, either men or ſtores. The ſubject, was I to continue it, would ſwell too large for a letter; I ſhall, therefore, briefly give you my opinion upon what ought to be done, *and what can be done*, if Great-Britain has only virtue enough left to hang, and ſubſtitute honeſty, activity, and plan—inſtead of ſupineneſs, confuſion, &c. &c. The force that Great-Britain has now in America is fully ſufficient for the plan I propoſe, which is to bring all their force to the ſouthward, and reduce the whole as far to the northward as James River: this is not viſionary, like all the ſchemes our country has been purſuing theſe ſeven years, but is real and ſubſtantial. How, evacuate New-York, and leave the loyaliſts to the mercy of the rebels? My anſwer ſhall be ſhort: If you don't do this, you muſt evacuate all America. What is then to become of the loyaliſts? Can any man in his ſenſes think, that holding New-York with 14 or 15,000 troops in its garriſon, will prevent the independence of America? The way to prevent it, is to conquer that country that is acceſſible to our arms; to keep their internal government in confuſion by the operations of war; to prevent the cultivation of their lands; to increaſe their diſtreſs by the continual drafts of men for their army; and the extreme burthen their taxes muſt be. Now their paper currency is annihilated, if Waſhington comes to the ſouthward, ſo much the better; he greater muſt the ex-

penſe be to the Americans, the better opportunity to bring him to a deciſive action, and the ſooner will the country be exhauſted of its reſources; which I am ſure you need not be told is every day growing leſs and leſs, notwithſtanding all the pompous harangues of the patriots and republicans. What I purpoſe can be compleated in twelve months, if a man of courage and wiſdom is placed to conduct it. It would be wiſer in the nation to vote a few thouſand pounds as a compenſation for loſſes to ſuch loyaliſts as may incline to follow the Britiſh ſtandard from New-York, than idly to waſte millions on what I will be bold to pronounce ſhe will never effect, if the preſent meaſures are re-adopted and purſued. If a poſt is wanted to the northward, why not take Rhode Iſland, a much leſs garriſon is neceſſary? But why will not Tybee and Beaufort anſwer for our ſhipping? and, if fortune ſhould ever give us a ſuperior advantage over the French by ſea (and, if you had honeſt and wiſe men to direct your naval officers, you would have done it long ago), what is to prevent our taking poſſeſſion of the Cheſapeak again?

If Great-Britain gains the provinces of Georgia, South and North-Carolina, and Virginia, ſhe will have the only places worth her contending-for: and "that ſhe can gain them" is indiſputable. Let her whole force be brought to this point: determine to extirpate rebellion by inſtantly puniſhing thoſe who ſhall oppoſe them either by arms or any other way. Court and reward thoſe who join you, and let your addreſs and money be applied for this purpoſe; prevent plundering either foes or friends; exact the ſtricteſt diſcipline; eſtabliſh a civil and moderate code of government, till the country is prepared for the reception of its former civil government; endeavour and invite the principal perſons in each province into a ſhare of its government; avoid the leaſt ſhadow of

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diſreſpect to ſuch perſons (a contrary behaviour has prevented, in a great meaſure, that confidence); direct your arms with unremitting vigour againſt all partizans; never parole, without the limits of your garriſons, perſons of any influence; puniſh, in the moſt exemplary manner, all perſons, without diſtinction of rank, who ſhall be guilty of murdering loyaliſts otherwiſe than in open action; be ſteady and uniform in your meaſures; let honeſty guide all tranſactions both public and private; convince the people by this conduct that you are determined to eſtabliſh the Britiſh civil government, and then let them ſee as much vigour and enterprize in your management, as they have diſcovered and received from your enemies, and ſucceſs will crown our endeavours with an honourable peace, and the reſtoration of the bleſſings of Britiſh government.

A *defenſive war* on this *extenſive* continent will have all the bad effects of a truce to Great-Britain. If America is permitted to eſtabliſh and execute their civil government, and to recover from the diſtreſs and difficulties they at preſent labour under, to furniſh their quota of men and ſtores neceſſary for active ſervice, ſhe will be Independant in ſpite of every effort afterwards. Many obvious reaſons muſt appear to you, to ſee the matter in the ſame light that I do. A naval war is proper and neceſſary, becauſe you diſtreſs their commerce, render foreign ſupplies dear and precarious, and at the ſame time keep them in conſtant dread of *predatory expeditions, which ought often to be ſet on foot.*

I am now come to ſpeak of another ſubject of great conſequence, I feel the weight of it upon my mind, but I am certain of its good effects if properly conducted; that is, arming the blacks. In addition to the forces already on this continent, near 8 or 10,000 ſtrong hearty black males may be found proper for the field; if they were put under

proper white officers, regularly trained, and clothed and fed in the ſame manner as the King's troops, great ſervices would be performed by them in this ſouthern country; although they may not be equal to the attack of white regular troops, numberleſs ſervices are to be expected from them, equally uſeful in a war like this. The ſqueamiſh may raiſe objections, but they ought all to vaniſh in the eyes of a true friend to his country, when the conteſt is become ſo ſerious as to threaten its very exiſtence. The French employ in the Weſt Indies a great number; they brought their black troops againſt Savannah; the Rebels had a company or two againſt Burgoyne, and would have raiſed two regiments in South-Carolina, if the fear of leading the Britiſh into ſo wiſe a meaſure had not prevailed againſt Mr. Laurens, the advocate of the meaſure. Beſides, the ſhock it gives to property will alarm your enemies in a moſt material manner. The caution and wiſdom in executing this matter are the only things wanted to enſure it every poſſible ſucceſs.

Let the creditors in this country receive ſome indemnification by other means for the hazard they run in this property, and let the loyaliſts be exempted from parting with their ſlaves, or be paid their full value.

In ſhort, I am ſo poſſeſſed with the idea of the poſſibility of poſſeſſing the country I have deſcribed, that I am certain if it is properly attempted, your country will yet rejoice in victory. But what is to be expected from men and meaſures like the preſent; an aſſembly ſat within thirty or forty miles of an army ſuperior to the enemy, entered into a full diſcuſſion of their affairs, arranged their civil and military buſineſs, confiſcated the property of a very conſiderable number of the loyaliſts, filled up their army liſts, laid taxes for the ſupport of their meaſures, and although they were upwards of ſix weeks on this buſineſs, not

not a ſingle attempt was made to interrupt them, except in a truly ridiculous proclamation, which the Britiſh General (in honour of his country) thought proper to continue under publication, before and after they had done all the miſchief they could deviſe.

The four provinces I have named contain every *article that is valuable* in the commerce of Great-Britain, and *ſhe* muſt be loſt indeed, if *ſhe* gives-up what it is ſtill in *her* power to regain. Though the loyaliſts have reaſon to be greatly diſſatisfied with men and meaſures, if theſe are changed, and a proper force and active meaſures are adopted, they will readily lend a helping hand to the mother country: but be aſſured all I have recommended muſt be ſpeedily taken in hand; otherwiſe it will be, like every former matter, a day after the fair. What can be more fortunate for Great-Britain, than the annihilation of the paper-currency; in South-Carolina they have voted near 400,000 ſilver dollars for the continental quota for the preſent year; this is excluſive of their ſtate contingencies. How much this will accumulate in an unſucceſsful war need not be pointed-out to you. In South-Carolina they are collecting a number of confiſcated negroes, and others, and are ſending them off to North-Carolina, to be given as bounties for continental ſoldiers for the ſtates of South-Carolina and Georgia; 800 are already (it is ſaid) ſent-off, and 400 more are to follow.

With reſpect to terms of peace, ſurely the poſſeſſion of a country is far more likely to procure an advantageous one than the poſſeſſion of garriſons, in which you only more evidently ſhow your weakneſs, by not daring to venture out of them.

As a proof of the good effects of activity. In North-Carolina the whole force collected to take their Governor, and prevent the excurſion of the garriſon from Wilmington,

never exceeded 6 or 700 men under Butler and Rutherford, two of the moſt active and zealous partizans in that country. Lord Cornwallis and Major Craig had paroled a third of the people; but all theſe advantages were loſt, by want of conduct elſewhere.—But how can Great-Britain contend againſt all the world? I confeſs this is a very aweful queſtion, and was it a true ſtate of her ſituation, I ſhould not heſitate to pronounce it impoſſible. But governments, like individuals, are governed by intereſt or paſſion. If Ruſſia is worthy the alliance of your country, make it her intereſt to unite with you. Gibraltar and Minorca are ſmall purchaſes for this country, and the Weſt-Indies: for, depend on it, the latter will not remain long dependant, if the former has her Independance. All the fine ſpeeches that were made in the former Spaniſh wars, on ſupporting theſe garriſons, appear to be very futile this war. In no inſtance have they anſwered our purpoſe. You will ſay they have divided the enemy's force, and engaged their attention. I acknowledge they have done this, but only to a degree, that by no means has prevented the enemy from being ſuperior to us in every quarter. Give the laſt of theſe places to Ruſſia, and let her aſſiſt you in this country. The diverſion of force will ſtill exiſt, and you have more ſtrength to meet your enemy in another place; and for a peace with Spain, and a poſſeſſion of Porto Rico, give up Gibraltar.

I have made-up my mind upon our publick ſituation; and I am thoroughly perſuaded, that, however miſtaken I may be in my plans, no one can more ſincerely and heartily wiſh proſperity and glory to my country, than I do myſelf; and it will give me the higheſt pleaſure, if any humble ideas of mine can contribute to rouſe her from that infatuation that has ſo long guided her, and to reſtore her to that luſtre and fame ſhe formerly ſo juſtly poſſeſſed. If

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my repreſentation accords with your better judgment, I am ſure your friendſhip for me will induce you to lay it before thoſe whoſe ſphere it is to give it effect.

But great naval exertions muſt be made to recover the dominion of the ſeas; exemplary puniſhments inflicted on thoſe who have neglected their duty, and the utmoſt ſecrecy in all publick meaſures; I mean in what relates to expeditions and plans againſt the enemy.

Much is loſt in America for want of addreſs and attention to thoſe who join the Britiſh ſtandard. The pride and vanity of the Britiſh military is little calculated for a people ſo much upon a level as they are in this country. It ought to be remembered, that the human heart is often gained by trifles, and it is a very common adage, that injuries are ſooner forgot than inſults. Firmneſs and uniformity are eſſential to all great undertakings, and never to recede from what is, in its own nature, juſt and proper. It is the higheſt folly to be denouncing threats and puniſhments one day, and the next relaxing.

The enemy are making preparations that indicate a deſign againſt Charles-Town. A ſiege or an evacuation is the general topic at preſent. For my own part, I have ſo bad an opinion of the judgement and conduct of thoſe here, who guide the Britiſh affairs, that I am more afraid of the laſt. I don't think Green will undertake a regular ſiege, 'till a French naval force arrives to co-operate with him. We may be vulnerable in ſome places, and a great want of diſcipline prevailing, may induce him to attempt an enterprize againſt ſome of our ſea-ports: It is very certain they have been building and collecting boats for ſome time; but perhaps this is only a preparation for the French. Be this as it may, no attempt whatever has been made by our people, either to deſtroy their boats and magazines, or to intercept their ſupplies either

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of ſtores or of cattle; and I am well informed, that Green was lately ſo diſtreſſed for the laſt, that he made a demand on North-Carolina for a large ſupply, to raiſe which each county was taxed in proportion to its capacity. A great conſumption of proviſion took place whilſt the French remained in the Cheſapeak, to the great diſtreſs of the inhabitants.

THOUGHTS ON THE INDEPENDENCE OF AMERICA, AND THE BEST MANNER OF ACKNOWLEDGING IT.

To the Printer of the PUBLIC ADVERTISER.

SIR, *Nov.* 22, 1782.

AS the conceſſion of Independence to the revolted provinces of North America ſeems to be the great object on which the reſtoration of peace depends—and there are difficulties attending this conceſſion which ſtill make ſome people averſe to it, notwithſtanding the urgent neceſſity of procuring peace upon any terms that are not abſolutely ruinous to the nation, I beg leave to ſtate to your readers a few reflections that have occurred to me upon the ſubject, and which may tend to remove or leſſen thoſe difficulties, and to diſpoſe the nation to come into this moſt ſalutary meaſure heartily and ſpeedily, and, if poſſible, with one accord.

I think it ſeems now to be pretty generally agreed, that there is no longer any reaſon to hope that we ſhall be able to reduce the Americans to obedience *by force*. What was not done in the years 1776 and 1777 with the great armies under General Howe and General Burgoyne againſt the Americans *alone*, while they were yet unuſed to war, can hardly be effected againſt them now, after they have been converted into a nation of ſoldiers by ſeven years' uninterrupted war, and when they are ſupported by the arms of three powerful European nations, the French, the Dutch, and the Spaniards, of whom the firſt are actually put in poſſeſſion of the harbours of Boſton and Rhode Iſland, and other important poſts in thoſe provinces. I ſhall not therefore

fore inſiſt upon another obſervation, of the truth of which I am nevertheleſs moſt thoroughly perſuaded; which is, "That if we could reduce them to obedience by main force, "and *that* in the ſpace of a ſingle campaign, it would not "be worth our while to do ſo; but that the expenſe and "other inconveniences that would attend the keeping them "in ſubjection after they had ſubmitted, (which certainly "could not be done without erecting and maintaining many "fortified places throughout that extenſive country, with a "large ſtanding army of forty, or at leaſt thirty thouſand "men) would more than counterbalance all the advantages "that would ariſe to us from their becoming again, in *this* "manner, our fellow-ſubjects." If indeed it be true (as ſome gentlemen confidently aſſure us) that a great majority of the people in theſe provinces (as, for example, three-quarters, or four-fifths, or more) are really friends to Great Britain, and deſirous of returning to their obedience to the Crown, and of renewing their old connection with us, I muſt confeſs that ſuch a diſpoſition would be a fortunate change in our favour, and would deſerve to be cultivated. But let us not haſtily believe that they are in ſuch a diſpoſition, while their publick actions and declarations all teſtify the contrary. Let their General Continental Congreſs and their Provincial Aſſemblies, (the members of which, we muſt remember, are not poſſeſſed of their power during their whole lives, like our Houſe of Lords, nor even for ſeven years, like our Houſe of Commons, but are choſen every year by the people, and who therefore ought not to be conſidered as factious or partial bodies of men, that purſue a ſeparate intereſt from that of the people, and govern them in a manner contrary to their inclinations,) I ſay, let their Congreſs and Aſſemblies declare their willingneſs, (if they really are ſo inclined,) to return to their old connection with us, and I will agree that we ought to receive them with

open

open arms. But this is an event of which there ſeems not to be the ſmalleſt glimpſe of hope. What then remains to be done but to *acquieſce* in the loſs of theſe provinces, which in truth we *have* loſt beyond all poſſibility of recovering them by a continuance of the war? And, to teſtify this acquieſcence, it will be neceſſary to declare, in the moſt authentick manner, our readineſs (in order to the reſtoration of peace) to acknowledge them as independent ſtates, and to cultivate a friendly intercourſe with them, in that new character, for our mutual advantage, and more eſpecially in matters of commerce, in which we are capable of becoming of moſt benefit to each other.

But here a difficulty ariſes as to *the manner* of granting them Independence. It is ſaid, I obſerve, by many people, (and, I believe, with truth,) that the king alone, without the concurrence of the parliament, cannot legally grant them Independence; for that he would thereby diſmember the Britiſh empire, and alienate the hereditary dominions of the Crown, which they conceive to be beyond his power: "For, though," ſay they, "the king may, by virtue of his "prerogative of making peace or war, reſtore, at a peace, a "country newly conquered in the preceding war, of which "ſuch peace is a termination, (as he did, in fact, reſtore the "iſlands of Martinique and Guadaloupe to the French king "at the peace of Paris in February, 1763,) yet it does not "follow that he may grant away the ſovereignty of a "country that has been *anciently* and *permanently* a part of "the poſſeſſions of the crown of Great Britain,"—I grant all this to be ſo. But what then? Shall the thing, therefore, remain undone, notwithſtanding the urgent importance of it to the welfare, or, rather, to the ſafety and preſervation, of the nation? Surely this cannot be a juſt concluſion. But, ſince the authority of parliament is neceſſary in this buſineſs, let that authority be employed; yet, with

as great regard as poſſible to his Majeſty's true and acknowledged prerogative of making war and peace, which is generally thought to be wiſely lodged by the law, or conſtitution, in the executive branch of our Government. And let this be done openly and clearly, and not by uſing looſe and general words in an Act of Parliament that makes no expreſs mention of the Independence of the colonies, and by leaving the power of granting the ſaid Independence, conferred by the ſtatute on the Crown, to be collected from thoſe words by uncertain implications, as is the caſe with the Act of the laſt ſeſſion of Parliament, brought-in by Mr. Wallace, his Majeſty's late Attorney-General. This indirect way of proceeding is not calculated to gain the confidence of the Americans, and to bring-about the deſired reconciliation. The buſineſs ſhould therefore be done in the fulleſt and plaineſt manner, to the end that the Americans may no longer doubt of the entire concurrence of Parliament to the Act whereon their future Independence is to be founded, and may no longer complain, or have the ſmalleſt pretence to complain, that our proceedings in this important tranſaction are in any degree obſcure or inſidious. And with this view I conceive it would be proper to paſs an Act of Parliament to the following effect, namely, "To enable the King's Majeſty, if "in his royal wiſdom he ſhall ſo think fit, to abſolve from "their allegiance to himſelf, his heirs and ſucceſſors, all the "preſent inhabitants of the thirteen revolted provinces, to wit, "the province of Maſſachuſett's Bay, that of Connecticut, "that of Rhode Iſland, &c. (ſpecifying them all with their "reſpective boundaries, accurately ſet-forth,) and to cede "unto the governing powers eſtabliſhed in each of the ſaid "provinces, all his Majeſty's right of ſovereignty over the "whole of ſuch province, together with his right of property "in the ſoil of all ſuch parts of the ſaid provinces as have "not been legally granted-away under the authority of the "Crown,

"Crown before the month of July, in 1776, when the "vote of Independency was paſſed in the Continental Con- "greſs." All this is neceſſary to be expreſſed in ſuch an Act of Parliament, in order to make the conceſſion of Independence clear and compleat. For, if the inhabitants of the ſaid provinces were only to be abſolved from their allegiance, without alſo making them a grant of the king's right to the ſoil of the ſaid provinces, the king might be ſuppoſed to retain a right to the ſoil, and to be at liberty, at ſome future time, to require the inhabitants of the ſaid provinces, who would have been abſolved from their allegiance, and would therefore be no longer ſubjects of the Crown of Great Britain, to withdraw themſelves from his territories, and go and ſettle themſelves elſewhere, wherever they thought fit, out of the dominions of the Crown of Great Britain. And, if the ſoil were to be granted to the ſaid inhabitants, in the manner propoſed, but without ſpecifying the limits of the provinces ſo granted, diſputes might afterwards ariſe concerning the extent of the territories of theſe new ſtates, who, probably, would carry their claims as far as the South Sea, while Great Britain might be ſuppoſed to have reſerved to herſelf her right to the lands about the river Ohio, and the five great lakes, Ontario, Erie, Huron, Michigan, and Superior; and, in general, to all that extenſive country which, by the Act of Parliament of the year 1774, for regulating the government of the province of Quebec, was added to the former territory of that province. The limits, therefore, of the provinces, or territories, intended to be ceded to theſe new ſtates, ought to be diſtinctly ſpecified, as well as the King's rights over the ſaid territories, to be expreſsly ceded to them.

Further, if the Act were made in the manner here ſuggeſted, that is, ſo as not immediately to grant Independency to the Americans while they are yet in arms againſt

us,

us, and we are not abſolutely certain that they will lay-down their arms in conſequence of the conceſſion, but *only to enable the King to grant it to them, if he, in his royal wiſdom, ſhall ſo think fit*, the parliament would avoid encroaching on the royal prerogative of making war and peace, and would only inveſt the King with the ſame compleat power of making peace with his revolted ſubjects in North-America, which he already enjoys by the Law, or Conſtitution, with reſpect to all the other ſtates with whom we are at war; which power of making peace or war, it is generally thought, can be better exerciſed by the King alone, than by the King and Parliament conjointly. And, if his Majeſty, after being thus enabled by his Parliament, ſhould think fit to direct his miniſter at Paris to make this important conceſſion to the Americans, the Americans would not have the ſmalleſt ſcruple concerning either its extent or its validity, but would proceed with confidence to treat of the other articles that might be neceſſary to a general peace with them and their allies.

I am,

Your moſt humble ſervant,

PACIFICUS.

F. M.

THE

FIRST ROYAL CHARTER

GRANTED TO THE

COLONY OF THE MASSACHUSETS BAY,

IN NORTH AMERICA,

IN THE FOURTH YEAR OF THE REIGN OF KING CHARLES THE FIRST;

From the first Copy of it that was ever published in print, which was printed by the Direction of the late Mr. Israel Mauduit, about the year 1775*.

CHARLES, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c.

To all to whom theſe Preſents ſhall come, Greeting.

WHEREAS our moſt deare and royal Father, King James, of bleſſed memory, by his Highneſs's letters patents beareing date at Weſtminſter the third day of November, in the eighteenth year of his reign, hath given and granted unto the Councel eſtabliſhed at Plymouth in the county of Devon, for the planting, ruling, ordering, and governing, of New-England in America, and to their heirs and ſucceſſours and aſſignes for ever: All that part of America lying and being, in breadth, from fourty degrees of northerly latitude from the equinoctiall line, to fourty-eight degrees of the ſaid northerly latitude inclufively, and, in length, of and

Recital of King James's grant to the Councel of Plymouth. Novem. 3, 18 Jac. 1.

Deſcription of the land granted.

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* This firſt Charter of the Maſſachuſets Colony has never been printed. There are very few Manuſcript Copies of it. Thoſe are liable to ſo many accidents that it is thought proper to publish it as the moſt likely means of preventing it's being irrecoverably loſt.—*From Mr. Mauduit's printed copy of this Charter.*

within all the breadth aforeſaid throughout the maine lands from ſea to ſea, together alſo with all the firme lands, ſoyles, grounds, havens, ports, rivers, waters, fiſhings, mines, and mineralls, as well royall mines of gould and ſilver, as other mines and mineralls, precious ſtones, quarries, and all and ſingular other commodities, jurisdictions, privileges, franchiſes and preheminences, both within the ſaid tract of land upon the maine, and alſo within the iſlands and ſeas adjoining. Provided always that the ſaid iſlands, or any the premiſſes by the ſaid letters patent intended and meant to be granted were not then actually poſſeſſed or inhabited by any other chriſtian prince, or ſtate, nor within the bounds, limits, or territories of the ſouthern colonies, then before granted by our ſaid deare father to be planted by divers of his loving ſubjects in the ſouthern parts.

Proviſoe.

Habendum. To have, and to hold, poſſeſs, and enjoy all and ſingular the aforeſaid continent, lands, territories, iſlands, hereditaments, and precincts, ſeas, waters, fiſhings, with all and all manner their commodities, royalties, liberties, preheminences, and profits that ſhould from thenceforth ariſe from thence, with all and ſingular their appurtenances, and every part and pareel thereof, unto the ſaid Councel, and their ſucceſſors and aſſignes for ever, to the ſole and proper uſe, benefit, and behoof of them, the ſaid Councel, and their ſucceſſors and aſſignes, forever: To be houlden of our ſaid moſt dear and royal Father, his heirs and ſucceſſors, as of his manor of Eaſt-Greenwich in the county of Kent, in free and common ſoccage, and not in Capite nor by knights' ſervice. Yielding and paying therefore to the ſaid late King, his heirs and ſucceſſors, the fifth part of the oare of gould and ſilver, which ſhould from time to time, and at all times thenafter happen to be found, gotten, had,

Tenure.

had, and obtained, in, at, or within, any of the ſaid lands, limits, territories, and precincts, or in or within any part or parcel thereof, for, or in reſpect of, all and all manner of duties, demands, and ſervices whatſoever, to be done, made, or paid, to our ſaid dear Father the late King, his heirs and ſucceſſors; as in and by the ſaid letters patent (amongſt ſundry other clauſes, powers, privileges, and grants therein contained) more at large appeareth.

Recital of a grant of the province of the Maſachuſets bay, (being part of the premiſſes before-mentioned,) by the council of Plymouth, to Sir Henry Roſewell and others. March 19, 3 Car. 1.

And whereas the ſaid Councel eſtabliſhed at Plymouth in the county of Devon, for the planting, ruling, ordering and governing, of New-England in America, have, by their deed indented under their common ſeal, bearing date the nineteenth day of March laſt paſt, in the third year of our reign, given, granted, bargained, ſold, enfeoffed, aliened and confirmed, to Sir Henry Roſewell, Sir John Young, knights, Thomas Southcott, John Humfrey, John Endicott and Symon Whetcomb, their heirs and aſſociates forever, all that part of New-England in America aforeſaid which lieth and extendeth between a great river there commonly called Monomack, alias Merrimack, and a certain other river there called Charles river, being the bottom of a certain bay there commonly called Maſſachuſetts, alias Mattachuſetts, alias Maſſatuſetts, bay, and alſo all and ſingular thoſe lands and hereditaments whatſoever lying and being within the ſpace of three Engliſh miles on the ſouth part of the ſaid Charles river, or of any or every part thereof, and alſo all and ſingular the lands and hereditaments whatſoever, lying and being within the ſpace of three Engliſh miles to the ſouthward of the ſouthernmoſt part of the ſaid bay called Maſſachuſetts, alias Mattachuſetts, alias Maſſatuſetts, bay, and alſo all thoſe lands and hereditaments which lye and be within the ſpace of

three Engliſh miles to the northward of the ſaid river called Monomack, alias Merrimack, or to the northward of any and every part thereof, and all lands and hereditaments whatſoever, lying within the limits aforeſaid, north and ſouth, in latitude and breadth, and in length and longitude, of and within all the breadth aforeſaid, throughout the main lands there, from the Atlantic and weſtern ſea and ocean on the eaſt part to the ſouth ſea on the weſt part, and all lands and grounds, place and places, ſoils, wood and wood grounds, havens, ports, rivers, waters, fiſhings, and hereditaments whatſoever, lying within the ſaid bounds and limits, and every part and parcel thereof, and alſo all iſlands lying in America aforeſaid in the ſaid ſeas, or either of them, on the weſterne or eaſterne coaſts or parts of the ſaid tracts of lands by the ſaid indenture mentioned to be given, granted, bargained, ſold, enfeoffed, aliened and confirmed, or any of them: And alſo all mines and mineralls, as well royall mines of gould and ſilver, as other mines and mineralls whatſoever, in the ſaid lands and premiſſes or any part thereof: And all jurisdictions, rights, royalties, liberties, freedoms, immunities, priviledges, franchiſes, preheminences, and commodities whatſoever, which they the ſaid Councel eſtabliſhed at Plymouth in the county of Devon for the planting, ruling, ordering, and governing of New-England in America, then had, or might uſe, exercise, or enjoy, in and within the ſaid lands and premiſſes by the ſaid indenture mentioned to be given, granted, bargained, ſould, enfeoffed and confirmed, or in, or within, any part or parcel thereof. To have and to hould the ſaid part of New-England in America which lyeth and extends and is abutted as aforeſaid, and every part and parcel thereof; And all the ſaid iſlands, rivers, ports, havens, waters,

Habendum.

waters, fiſhings, mines and minerals, juriſdictions, franchiſes, royalties, liberties, priviledges, commodities, hereditaments and premiſſes whatſoever, with the appurtenances, unto the ſaid Sir Henry Roſewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endicott and Symon Whetcomb, their heirs and aſſignes, and their aſſociates, to the only proper and abſolute uſe and behoof of the ſaid Sir Henry Roſewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott and Symon Whetcomb, their heires and aſſignes, and aſſociates forevermore. To be houlden of us, our heirs and ſucceſſors, as of our mannor of Eaſt Greenwich in the county of Kent, in free and common ſoccage and not in Capite, nor by knights ſervice; yielding and paying therefore unto us our heirs and ſucceſſors, the fifth part of the oare of gould and ſilver which ſhall from time to time and at all times hereafter happen to be found, gotten, had and obtained, in any of the ſaid lands within the ſaid limits, or in or within any part thereof, for and in ſatisfaction of all manner of duties, demands and ſervices whatſoever, to be done, made or paid to us, our heirs or ſucceſſors, as in and by the ſaid recited indenture more at large may appear. Tenure. Rent

Now know ye, that we at the humble ſuite and petition of the ſaid Sir Henry Roſewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott and Symon Whetcomb, and of others whom they have aſſociated unto them, Have, for divers good cauſes and conſiderations us moving, granted and confirmed, and by theſe preſents, of our eſpeciall grace, certain knowledge, and meere motion, do grant and confirm, unto the ſaid Sir Henry Roſewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, Confirmation of the ſaid laſt-recited grant by the king.

combe, and to their aſſociates hereafter named (videlicet) Sir Richard Saltonſtall, Knt. Iſaac Johnſon, Samuel Alderſey, John Ven, Matthew Craddock, George Harwood, Increaſe Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vaſſall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vaſſall, William Pinchon, and George Foxcroft, their heirs and aſſignes, all the ſaid part of New England in America, lyeing and extending betweene the bounds and limits in the ſaid recited indenture expreſſed, and all lands and grounds, place and places, ſoyles, wood and wood grounds, havens, ports, rivers, waters, mines, mineralls, jurisdictions, rights, royalties, liberties, freedoms, immunities, priviledges, franchiſes, preheminences, hereditaments and commodities, whatſoever, to them the ſaid Sir Henry Roſewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott and Simon Whetcombe, their heirs and aſſignes, and to their aſſociates, by the ſaid recited indenture given, granted, bargained, ſould, enfeoffed, aliened, and confirmed, or mentioned or intended thereby to be given, granted, bargained, ſould, enfeoffed, aliened, and confirmed. To have and to hould the ſaid part of New-England in America and the other premiſſes hereby mentioned to be granted and confirmed, and every part or parcell thereof, with the appurtenances, unto the ſaid Sir Henry Roſewell, Sir John Younge, Sir Richard Saltonſtall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Iſaac Johnſon, Samuel Alderſey, John Ven, Matthew Craddock, George Harwood, Increaſe Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vaſſall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel

Habendum.

muel Browne, Thomas Hutchins, William Vaſſal, William Pinchon, and George Foxeroft, their heirs and aſſignes for ever, to their only proper and abſolute uſe and behoof for evermore. To be houlden of us, our heirs and ſucceſſors, as of our mannor of Eaſt Greenwich aforeſaid, in free and common ſoceage, and not in Capite nor by knights' ſervice; and alſo yielding and paying therefore to us, our heirs and ſucceſſors, the fifth part only of all oare of gould and ſilver, which from time to time, and at all times hereafter, ſhall be there gotten, had, or obtained, for all ſervices, exactions, and demands whatſoever, according to the tenure and reſervation in the ſaid recited indenture expreſſed. Tenure. Rent.

And further know ye, that, of our more eſpecial grace, certain knowledge, and meere motion, we have given and granted, and by theſe preſents do, for us, our heirs, and ſucceſſors, give and grant, unto the ſaid Sir Henry Roſewell, Sir John Younge, Sir Richard Saltonſtall, Thomas Southcott John Humfrey, John Endecott, Simon Whetcombe, Iſaac Johnſon, Samuel Alderſey, John Ven, Matthew Craddock, George Harwood, Increaſe Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vaſſall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vaſſall, William Pinchon, and George Foxcroft, their heirs and aſſignes, all that part of New-England in America which lies and extends between a great river there, commonly called Monomack river, alias Merrymack river, and a certain other river there called Charles river, being in the bottom of a certain bay there commonly called Maſſachuſetts, alias Mattachusets, alias Maſſatuſets, bay, and alſo all and ſingular thoſe lands and heredi- Grant of the same tract of land to the same persons by the king himself.

taments whatſoever lyeing within the ſpace of three Engliſh miles on the ſouth part of the ſaid river called Charles river, or of any or every part thereof, and alſo all and ſingular the lands and hereditaments whatſoever lyeing and being within the ſpace of three Engliſh miles to the ſouth of the ſouthermoſt part of the ſaid bay called Maſſachuſetts, alias Mattachuſetts, alias Maſſatuſetts, bay; and alſo all thoſe lands and hereditaments whatſoever, which lye and be within the ſpace of three Engliſh miles to the northward of the ſaid river called Monomack, alias Merrymack, or to the northward of any, and every part thereof, and all lands and hereditaments whatſoever lyeing within the limits aforeſaid north and ſouth in latitude and breadth, and in length and longitude of and within all the breadth aforeſaid throughout the maine lands there from the Atlantick and weſtern ſea and ocean on the eaſt part, to the ſouth ſea on the weſt parte, and all lands and grounds, place and places, ſoyles, wood, and wood grounds, havens, ports, rivers, waters, and hereditaments whatſoever lyeing within the ſaid bounds and limits, and every part and parcel thereof, and alſo all iſlands in America aforeſaid in the ſaid ſeas or either of them on the weſtern or eaſtern coaſtes, or partes of the ſaid tracts of lands hereby mentioned to be given or granted, or any of them, and all mines and mineralls, as well royall mines of gould and ſilver as other mines and mineralls whatſoever, in the ſaid lands and premiſſes, or any part thereof; and free liberty of fiſhing in or within any of the rivers or waters within the bounds and limits aforeſaid and the ſeas thereunto adjoining; and all fiſhes, royal fiſhes, whales, balan, ſturgeon, and other fiſhes of what kind

or

or nature ſoever that ſhall at any time hereafter be taken in or within the ſaid ſeas or waters or any of them, by the ſaid Sir Henry Roſewell, Sir John Younge, Sir Richard Saltonſtall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Iſaac Johnſon, Samuel Alderſey, John Ven, Matthew Craddock, George Harwood, Increaſe Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vaſſall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vaſſall, William Pinchon, and George Foxcroft, their heirs and aſſignes, or by any other perſon, or perſons whatſoever there inhabiting, by them, or any of them, appointed to fiſh therein. Provided always, that, if the ſaid lands, iſlands, or any other the premiſſes herein before mentioned, and by theſe preſents intended and meant to be granted, were at the time of the granting of the ſaid former letters patents dated the third day of November, in the eighteenth yeare of our ſaid deare father's reigne aforeſaid, actually poſſeſſed, or inhabited, by any other chriſtian prince or ſtate, or were within the bounds, limits, or territories of that ſoutherne colonie then before granted by our ſaid late father, to be planted by divers of his loving ſubjects in the ſouth parts of America, that then this preſent grant ſhall not extend to any ſuch parts or parcells thereof, ſo formerly inhabited or lyeing within the bounds of the ſouthern plantation as aforeſaid, but as to thoſe parts or parcells ſo poſſeſſed or inhabited by ſuch chriſtian prince or ſtate, or being within the bounds aforeſaid, ſhall be utterly voide, theſe preſents or any thing therein contained, to the contrary notwithſtanding. To have, and to hould, poſſeſs, and enjoy

Proviſoe.

Habendum.

enjoy, the ſaid parts of New-England in America, which lye, extend, and are abutted as aforeſaid, and every part and parcell thereof, and all the iſlands, rivers, ports, havens, waters, fiſhings, fiſhes, mines, minerals, juriſdictions, franchiſes, royalties, liberties, privileges, commodities, and premiſſes whatſoever, with the appurtenances, unto the ſaid Sir Henry Roſewell, Sir John Younge, Sir Richard Saltonſtall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Iſaac Johnſon, Samuel Alderſey, John Ven, Matthew Craddock, George Harwood, Increaſe Nowell, Richard Perry, Richard Bellingham, Nathaniell Wright, Samuel Vaſſall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vaſſall, William Pinchon, and George Foxcroft, their heirs and aſſignes for ever, to the only proper and abſolute uſe and behoofe of the ſaid Sir Henry Roſewell, Sir John Younge, Sir Richard Saltonſtall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Iſaac Johnſon, Samuel Alderſey, John Ven, Matthew Craddock, George Harwood, Increaſe Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vaſſall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vaſſall, William Pinchon, and George Foxcrofte,

Tenure. their heirs and aſſignes forevermore. To be houlden of us, our heires and ſucceſſours, as of our mannor of Eaſt Greenwich in the county of Kent, within our realme of England, in free and common ſoccage, and not in

Rent. Capite, nor by knights' ſervice, and alſo yeelding and paying therefore to us, our heirs and ſucceſſors, the fifth part only of all oare of gould and ſilver, which from time

time to time, and at all times hereafter, ſhall be there gotten, had, or obtained, for all ſervices, exactions, and demands whatſoever. Provided alwayes and our expreſſe will and meaneing is, that onely one-fifth part of the gould and ſilver oare above mentioned in the whole, and no more, be reſerved or payeable unto us, our heirs and ſucceſſours, by colour or vertue of theſe preſents, the double reſervations or recitals aforeſaid, or any thing therein contained notwithſtanding.

And, for as much as the good and proſperous ſucceſs of the plantation of the ſaid parts of New-England aforeſaid, intended by the ſaid Sir Henry Roſewell, Sir John Younge, Sir Richard Saltonſtall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Iſaac Johnſon, Samuel Alderſey, John Ven, Matthew Craddock, George Harwood, Increaſe Nowell, Richard Perry, Richard Bellingham, Nathaniell Wright, Samuel Vaſſall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vaſſal, William Pinchon, and George Foxcroft, to be ſpeedily ſet-upon, cannot but chiefely depend, next under the bleſſing of Almighty God and the ſupport of our royal authority, upon the good government of the ſame; to the end that the affairs and buſineſſes which from time to time ſhall happen and ariſe concerning the ſaid lands and the plantation of the ſame, may be the better managed and ordered: We have further hereby, of our eſpeciall grace, certain knowledge, and meere motion, given, granted, and confirmed, and for us, our heirs and ſucceſſours, do give, grant and confirme, unto our ſaid truſtie and well-beloved ſubjects Sir Henry Roſewell, Sir John Younge, Sir Richard Saltonſtall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcomb, Iſaac

Neceſsity of good government to the ſucceſs of the intended plantation.

Incorporation of the grantees of the ſaid land.

Iſaac Johnſon, Samuel Alderſey, John Ven, Matthew Craddock, George Harwood, Increaſe Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vaſſall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vaſſall, William Pinchon, and George Foxcroft, and for us, our heires and ſucceſſours, wee will and ordaine: That the ſaid Sir Henry Roſewell, Sir John Younge, Sir Richard Saltonſtall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcomb, Iſaac Johnſon, Samuel Alderſey, John Ven, Matthew Craddock, George Harwood, Increaſe Nowell, Richard Perry, Richard Bellingham, Nathaniell Wright, Samuel Vaſſall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vaſſall, William Pinchon, and George Foxcroft, and all ſuch others as ſhall hereafter be admitted and made free of the companie and ſociety hereafter mentioned, ſhall, from time to time, and at all times forever hereafter, be, by virtue of theſe preſents, one body corporate and politique in fact and name, by the name of *the Governor and Companie of the Maſſachuſetts Bay in New-England*: And them by the name of *the Governor and Companie of the Maſſachuſetts Bay in New-England*, one body politique and corporate in deed, fact, and name, wee doe, for us, our heirs, and ſucceſſours, make, ordaine, conſtitute, and confirme by theſe preſents; and that by that name they ſhall have perpetuall ſucceſſion; and that by the ſame name they and their ſucceſſors ſhall and may be capable and enabled, as well to impleade and to be impleaded, and to proſecute, demand, and anſwer, and be anſwered-unto, in all and ſingular ſuites,

Name of the Corporation.

Perpetual ſuccession.

Capacity to impleade and to be impleaded.

ſuites, cauſes, quarrels, and actions, of what kind and nature ſoever; And alſo to have, take, poſſeſſe, acquire and purchaſe any lands, tenements, and hereditaments, or any goods, or chattells, and the ſame to leaſe, grant, demiſe, alien, bargain, ſell, and diſpoſe of, as other our leige people of this our realme of England, or any other corporation or body politique of the ſame, may lawfully doe. And further that the ſaid Governor and companie and their ſucceſſors may have forever one common ſeale to be uſed in all cauſes and occaſions of the ſaid Companie, and the ſame ſeale may alter, change, break and new-make from time to time at their pleaſures.

Capacity to purchase lands or goods; and to grant or sell them.

A common Seal.

And our will and pleaſure is, and we do hereby, for us, our heirs, and ſucceſſors, ordaine and grant, that from henceforth for ever there ſhall be one Governor, one deputy-Governor, and eighteen Aſſiſtants, of the ſaid Companie to be from time to time conſtituted, elected and choſen out of the freemen of the ſaid Companie for the time beinge, in ſuch manner and forme as hereafter in theſe preſents is expreſſed. Which ſaid officers ſhall apply themſelves to take care for the beſt diſpoſing and ordering of the generall buſineſs and affaires of, for, and concerning, the ſaid lands and premiſſes hereby mentioned to be granted, and the plantation thereof, and the government of the people there.

The government of the said corporation.

A Governor and eighteen Assistants.

Their power and duty.

And for the better execution of our royall pleaſure and grant in this behalfe, we do by theſe preſents, for us, our heires, and ſucceſſors, nominate, ordain, make, and conſtitute our well-beloved, the ſaid Matthew Craddock, to be the firſt and preſent Governor of the ſaid Companie, and the ſaid Thomas Goffe to be deputy-Governor of the ſaid Companie, and the ſaid Sir Richard Saltonſtall, Iſaac Johnſon, Samuel Alderſey, John Ven, John Humfrey,

Nomination of the first Governor & Assistants.

John

John Endecott, Symon Whetcombe, Increaſe Nowell, Richard Perry, Nathaniel Wright, Samuel Vaſſall, Theophilus Eaton, Thomas Adams, Thomas Hutchins, John Browne, George Foxcroft, William Vaſſall, and William Pinchon, to be the preſent Aſſiſtants of the ſaid Companie, to continue in the ſaid ſeveral offices reſpectively for ſuch time and in ſuch manner as in and by theſe preſents is hereafter declared and appointed.

Power to aſſemble the ſaid compaay.

And further we will, and, by theſe preſents, for us, our heires, and ſucceſſors, do ordaine and grant that the Governor of the ſaid Companie for the time being, or in his abſence, by occaſion of ſickneſs or otherwiſe, the deputy-Governor for the time being, ſhall have authority from time to time upon all occaſions to give order for the aſſembling of the ſaid Companie, and calling them together to conſult and adviſe of the buſineſs and affaires of the ſaid Companie.

Monthly courts or aſſemblies of the Governour and Aſsistants.

And that the ſaid Governor, deputy-Governor, and Aſſiſtants of the ſaid Companie for the time being ſhall, or may, once every month, or oftener at their pleaſures, aſſemble and hould and keep a court, or aſſembly of themſelves, for the better ordering and directing of their affairs. And that any ſeven, or more, perſons of the Aſſiſtants, together with the Governor, or deputy-Governor, ſo aſſembled ſhall be ſaid, taken, held, and reputed to be, and ſhall be, a full and ſufficient court or aſſembly of the ſaid Company, for the handling, ordering, and diſpatching of all ſuch buſineſſes and occurrents, as ſhall from time to time happen, touching or concerning the ſaid Companie or plantation. And that there ſhall, or may, be held and kept by the Governor or deputy-Governor of the ſaid Companie, and ſeven, or more, of the ſaid Aſſiſtants for the time being, upon every laſt Wedneſday in Hillary, Eaſter, Trinity and Michael-

Four general courts of the ſaid company in a year.

Michaelmas Terms reſpectively for ever, one great, generall and ſolemn aſſembly; which four generall aſſemblies ſhall be ſtyled and called *the foure greate and generall courts of the ſaid Company:* In all or any of which ſaid greate and generall courts ſo aſſembled, We do, for us, our heires and ſucceſſours, give and grant to the ſaid Governour and Companie and theire ſucceſſours, that the Governour, or in his abſence the deputy-Governour, of the ſaid Companie for the time being, and ſuch of the Aſſiſtants and freemen of the ſaid Companie as ſhall be preſent, or the greater number of them ſo aſſembled, (whereof the Governour or deputy-Governour, and ſix of the Aſſiſtants at the leaſt, to be ſeven,) ſhall have full power and authority to chooſe, nominate, and appoint ſuch and ſo many others as they ſhall thinke fitt, and that ſhall be willing to accept the ſame, to be free of the ſaid Company and Body, and them into the ſame to admit: and to elect and conſtitute ſuch officers as they ſhall thinke fitt and requiſite for the ordering, managing, and diſpatching of the affaires of the ſaid Governor and Companie and theire ſucceſſours: and to make lawes and ordinances for the good and welfare of the ſaid Companie, and for the government and ordering of the ſaid lands and plantation, and the people inhabiteing and to inhabite the ſame, as to them from time to time ſhall be thought meete: So as ſuch lawes and ordinances be not contrary or repugnant to the laws and ſtatutes of this our realme of England.

Power to elect freemen of the ſaid company.

And to elect officers of the ſame.

And to make laws and ordinances for the ſame: the ſaid laws not being repugnant to the laws of England.

And our will and pleaſure is, and we do hereby for us, our heirs and ſucceſſours, eſtabliſh and ordaine; That yearely once in the yeare forever hereafter, namely, the laſt Wedneſday in Eaſter terme yearely, the Governour, deputy-Governour and Aſſiſtants

The Governour, deputy-governour, and aſſiſtants, ſhall be choſen every year at Easter.

ants of the ſaid Companie, and all other officers of the ſaid Companie ſhall be, in the generall court, or aſſemblie, to be held for that day or time, newly choſen for the yeare inſueing by ſuch greater part of the ſaid Companie for the time being, then and there preſent, as is aforeſaid.

Manner of ſupplying vacancies in the offices of the ſaid company occaſioned by deaths or removals.

And if it ſhall happen that the preſent Governour, deputy-Governour and Aſſiſtants by theſe preſents appointed, or ſuch as ſhall hereafter be newly choſen into their rooms, or any of them, or any other of the officers to be appointed for the ſaid Companie, ſhall die, or be removed from his or their ſeverall offices or places before the ſaid generall day of election, (whom we do hereby declare for any miſdemeanor, or defect, to be removable by the Governour, deputy-Governor, Aſſiſtants, and Companie, or ſuch greater part of them in any of the publick courts to be aſſembled as is aforeſaid) that then, and in every ſuch caſe it ſhall and may be lawfull to and for the Governor, deputy-Governor, Aſſiſtants, and Companie, aforeſaid, or ſuch greater part of them ſo to be aſſembled as is aforeſaid, in any of their aſſemblies, to proceed to a new election of one or more others of their company, in the rooms or places of ſuch officer or officers ſo dyeing or removed, according to their diſcretions. And immediately upon and after ſuch election and elections made of ſuch Governour, deputy-Governour, Aſſiſtant, or Aſſiſtants, or any other officer of the ſaid Companie, in manner and forme aforeſaid, the authority, office, and power before given to the former Governour, deputy-Governour, or other officer and officers, ſo removed, in whoſe ſtead and place new officers ſhall be ſo choſen, ſhall, as to him and them, and every of them, ceaſe and determine.

Power given to the company to remove their officers for misbehaviour.

Provided

Provided alſo, and our will and pleaſure is, that as well ſuch as are by theſe preſents appointed to be the preſent Governour, deputy-Governour, and Aſſiſtants of the ſaid Companie, as thoſe that ſhall ſucceed them, and all other officers to be appointed and choſen as aforeſaid, ſhall, before they undertake the execution of their ſaid offices and places reſpectively, take their corporal oathes for their due and faithful performance of their duties in their ſeverall offices and places, before ſuch perſon or perſons as are by theſe preſents hereunder appointed to take and receive the ſame, that is to ſay, the ſaid Matthew Craddock, who is hereby nominated and appointed the preſent Governour of the ſaid Companie, ſhall take the ſaid oathes before one or more of the Maſters of our Court of Chancery for the time being, unto which Maſter or Maſters of the Chancery we do by theſe preſents give full power and authority to take and adminiſter the ſaid oath to the ſaid Governour accordingly. And after the ſaid Governour ſhall be ſworne, then the ſaid deputy-Governour and Aſſiſtants before by theſe preſents nominated and appointed, ſhall take the ſaid ſeveral oathes, to their offices and places reſpectively belonging, before the ſaid Matthew Craddock the preſent Governour, ſo ſworne as aforeſaid. And every ſuch perſon as ſhall at the time of the annual election, or otherwiſe, upon death or removall, be appointed to be the new Governour of the ſaid Companie, ſhall take the oathes to that place belonging, before the deputy-Governour or two of the Aſſiſtants of the ſaid Companie, at the leaſt, for the time being. And the new-elected deputy-Governour and Aſſiſtants, and all other officers to be hereafter choſen as aforeſaid from time to time, ſhall take the oathes to their places reſpectively belonging before the Governour of the ſaid

The officers of the company ſhall take an oath of office.

Companie for the time being. Unto which ſaid Governour, deputy-Governour, and Aſſiſtants, we do by theſe preſents give full power and authority to give and adminiſter the ſaid oathes reſpectively, according to the true meaning herein before-declared, without any commiſſion or further warrant to be had and obtained of us, our heirs, and ſucceſſors, in that behalfe.

Power to carry over to New-England ſuch perſons as are willing to go thither; together with cattle and other things neceſſary for their ſubsiſtence.

And we do further, of our eſpeciall grace, certain knowledge, and meere motion, for us, our heirs, and ſucceſſours, give and grant to the ſaid Governour and Companie, and their ſucceſſors, for ever, by theſe preſents, that it ſhall be lawful and free for them and their aſſignes, at all and every time and times hereafter, out of any of our realmes and dominions whatſoever, to take, lead, carry, and tranſport for, in, and into their voyages, and for and towards the ſaid plantation in New-England, all ſuch and ſo many of our loving ſubjects, or any ſtrangers that will become our loving ſubjects, and live under our allegiance, as ſhall willingly accompany them in the ſame voyages and plantation, and alſo ſhipping, armour, weapons, ordinance, ammunition, powder, ſhott, corne, victuals, and all manner of clothing, implements, furniture, beaſts, cattle, horſes, mares, merchandizes, and all other things neceſſary for the ſaid plantation, and for their uſe and defence, and for trade with the people there, and in paſſing and returning to and fro, any law or ſtatute to the contrary hereof in any wiſe notwithſtanding, and without paying or yeelding any cuſtome or ſubſidie, either inward or outward, to us, our heirs, or ſucceſſours, for the ſame, by the ſpace of ſeven yeares from the day of the date of theſe preſents. Provided that none of the ſaid perſons be ſuch as ſhall be hereafter by ſpecial name reſtrained by us, our heires, and ſucceſſours.

Exemption from the payment of cuſtoms or ſubſidies in England for ſeven years.

And

And for their further encouragement, of our eſpecial grace and favour, we do, by theſe preſents, for us, our heires, and ſucceſſours, yeeld and grant to the ſaid Governour and Companie, and their ſucceſſours, and every of them, their factors and aſſignes, that they, and every of them, ſhall be free and quit from all taxes, ſubſidies, and cuſtomes in New-England for the like ſpace of ſeven yeares; and from all taxes and impoſitions for the ſpace of twenty and one yeares upon all goods and merchandiſes at any time or times hereafter, either upon importation thither, or exportation from thence, into our realme of England, or into any other of our dominions, by the ſaid Governour and Companie, and their ſucceſſours, their deputies, factors, and aſſignes, or any of them, except only the five pounds *per centum* due for cuſtome upon all ſuch goods and merchandiſes, as after the ſaid ſeven yeares ſhall be expired ſhall be brought or imported into our realme of England, or any other of our dominions, according to the ancient trade of merchants, which five pounds *per centum* onely being paid, it ſhall be thenceforth lawfull and free for the ſaid adventurers, the ſame goods and merchandizes, to export and carry out of our ſaid dominions into forreign parts, without any cuſtome, taxe or other duty to be paid to us, our heires and ſucceſſours, or to any other officers or miniſters of us, our heirs and ſucceſſours. Provided that the ſaid goods and merchandizes be ſhipped-out within thirteen months after their firſt landing within any part of the ſaid dominions.

Exemption from taxes and cuſtoms in New England for ſeven years; and from all duties upon importation or exportation of goods, except 5 per cent upon goods imported into England, or the other dominions of the crown, for a further term of twenty-one years.

Proviſo. Liberty of re-exporting the ſaid goods into foreign parts, within thirteen months after their firſt landing.

And we do, for us, our heires, and ſucceſſours, give and grant unto the ſaid Governour and Companie, and their ſucceſſours, that, whenſoever, or ſo often as any cuſtome or ſubſidie ſhall grow due or payable unto us, our heirs, and ſucceſſours, according to the limitation

and appointment aforeſaid, by reaſon of any goods, wares, or merchandiſes to be ſhipped-out, or any return to be made of any goods, wares, or merchandiſes, unto or from the ſaid parts of New-England hereby mentioned to be granted as aforeſaid, or any the lands and territories aforeſaid, that then and ſo often and in ſuch caſe the farmers, cuſtomers, and officers of our cuſtomes of England and Ireland, and every of them for the time being, upon requeſt made to them by the ſaid Governour and Company, or their ſucceſſours, factors, or aſſignes, and upon convenient ſecurity to be given in that behalfe, ſhall give and allowe unto the ſaid Governour and Companie and their ſucceſſours, and to all and every perſon or perſons free of that Companie as aforeſaid, ſix months time for the payment of the one halfe of all ſuch cuſtome and ſubſidie as ſhall be payable unto us, our heires, and ſucceſſours, for the ſame; for which theſe our letters patents, or the duplicate or the inrollment thereof, ſhall be unto our ſaid officers a ſufficient warrant and diſcharge. Nevertheleſs, our will and pleaſure is, that any of the ſaid goods, wares, and merchandiſes, which be, or ſhall be, at any time hereafter landed or exported out of any of our realmes aforeſaid, and ſhall be ſhipped with a purpoſe not to be carried to the parts of New-England aforeſaid, but to ſome other place, that then ſuch payment, dutie, cuſtome, impoſition, or forfeiture ſhall be paid or belong to us, our heires and ſucceſſors, for the ſaid goods, wares and merchandiſe ſo fraudulently ſought to be tranſported, as if this our grant had not been made or granted.

Six months time ſhall be allowed for the payment of one half of the cuſtoms.

Provision againſt a fraudulent exportation of goods to foreign countries, under a pretence of carrying them to New-England.

And we do further will, and, by theſe preſents, for us, our heires and ſucceſſors, firmely enjoine and commande, as well the Treaſurer, Chancellor, and Barons of the Exchequer of us, our heires and ſucceſſors, as alſo all

and

and ſingular the cuſtomers, farmers, and collectors of the cuſtomes, ſubſidies, and impoſts, and other the officers and miniſters of us, our heires, and ſucceſſors, whatſoever for the time being, that they and every of them, upon the ſhowing-forth unto them of theſe letters patents, or the duplicate or exemplification of the ſame, without any other writ or warrant whatſoever from us, our heirs, or ſucceſſors, to be obtained or ſued-forth, do and ſhall make full, whole, entire and due allowance and cleare diſcharge unto the ſaid Governour and Companie, and theire ſucceſſors, of all cuſtomes, ſubſidies, impoſitions, taxes, and duties whatſoever, that ſhall, or may, be claymed by us, our heires, and ſucceſſors, of, or from, the ſaid Governour and Companie, and their ſucceſſors, for, or by reaſon of, the ſaid goods, chattels, wares, merchandiſes and premiſes, to be exported out of our ſaid dominions, or any of them, into any part of the ſaid lands or premiſes hereby mentioned to be given, granted, and confirmed, or for, or by reaſon of, any of the ſaid goods, chattels, wares, or merchandiſes, to be imported from the ſaid lands and premiſes hereby mentioned to be given, granted and confirmed, into any of our ſaid dominions, or any part thereof, as aforeſaid, excepting only the ſaid five pounds *per centum* hereby reſerved and payable after the expiration of the ſaid terme of ſeven years as aforeſaid, and not before. And theſe our letters patents, or the inrollment, duplicates, or exemplification of the ſame, ſhall for ever hereafter, from time to time, as well to the Treaſurer, Chancellor, and Barons of the Exchequer of us, our heires, and ſucceſſors, as to all and ſingular the cuſtomers, farmers, and collectors of the cuſtoms, ſubſidies, and impoſts, of us, our heires, and ſucceſſors, and all ſearchers and other the officers and miniſters whatſoever of us, our

Warrant to the officers of the Exchequer and Customs to allow to the ſaid company the exemptions above-mentioned.

heires, and ſucceſſors, for the time being, be a ſufficient warrant and diſcharge in this behalfe.

Persons that shall be born in the lands hereby granted shall be considered as natural born subjects.

And further our will and pleaſure is, and we doe hereby for us, our heires, and ſucceſſors, ordain, declare, and grant to the ſaid Governour and Companie, and theire ſucceſſors, That all and every the ſubjects of us, our heires, or ſucceſſors, which ſhall goe to and inhabite within the ſaid lands and premiſſes hereby mentioned to be granted, and every of their children which ſhall happen to be borne there, or on the ſeas in going thither or returning from thence, ſhall have and enjoy all liberties and immunities of free and naturall ſubjects within any of the dominions of us, our heires, or ſucceſſors, to all intents, conſtructions, and purpoſes whatſoever, as if they and every of them were borne within the realme of England. And that the Governour and deputy-Governour of the ſaid Companie for the time being, or either of them, and any two, or more, of ſuch of the ſaid Aſſiſtants as ſhall be thereunto appointed by the ſaid Governour and Companie at any of their courts, or aſſemblies to be held as aforeſaid, ſhall and may, at all tymes, and from tyme to tyme, hereafter, have full power and authority to adminiſter and give the oath and oathes of ſupremacie and allegiance, or either of them, to all and every perſon or perſons which ſhall at any tyme, or tymes, hereafter goe or paſſe to the lands and premiſſes hereby mentioned to be granted, to inhabite in the ſame.

Power to administer the oaths of allegiance and supremacy to the persons who shall hereafter settle in the lands hereby granted.

Power to make lawes and ordinances, not contrary to the laws of England.

And wee do, of our further grace, certaine knowledge, and meere motion, give and grant to the ſaid Governour and Companie, and their ſucceſſors, that it ſhall and may be lawfull to and for the Governour, or deputy-Governour, and ſuch of the Aſſiſtants and Freemen of the ſaid Companie for the tyme being as ſhall be aſ-

ſembled

ſembled in any of their generall courts aforeſaid, or in any other courts to be ſpecially ſummoned and aſſembled for that purpoſe, or the greater part of them (whereof the Governour, or deputy-Governour, and five of the Aſſiſtants, to be always ſeven) from tyme to tyme to make, ordaine, and eſtabliſh all manner of wholeſome and reaſonable orders, laws, ſtatutes, and ordinances, directions and inſtructions, not contrary to the lawes of this our realme of England, as well for the ſettling of the formes and ceremonies of government and magiſtracie fitt and neceſſary for the ſaid plantation and the inhabitants there, and for nameing and ſtyling of all ſorts of officers both ſuperiour and inferiour, which they ſhall find needful for that government and plantation, and the diſtinguiſhing and ſetting-forth of the ſeverall duties, powers, and limits of every ſuch office and place, and the formes of ſuch oathes, warrantable by the lawes and ſtatutes of this our realme of England, as ſhall be reſpectively miniſtred unto them, for the execution of the ſaid ſeveral offices and places; as alſo for the diſpoſing and ordering of the elections of ſuch of the ſaid officers as ſhall be annuall, and of ſuch others as ſhall be to ſucceed in caſe of death or removal, and miniſtring the ſaid oathes to the new-elected officers; and for impoſition of lawful fines, mulcts, impriſonment, or other lawful correction, according to the courſe of other corporations in this our realme of England; and for the directing, ruleing, and diſpoſeing-of all other matters and things whereby our ſaid people inhabiting there may be ſo religiouſly, peaceably, and civilly governed, as their good life and orderly converſation may winne and invite the natives of that country to the knowledge and obedience of the onely true God and Saviour of mankind, and the Chriſtian faith,

All such laws, published in writing under the common seal of the company, shall be observed and executed.

which in our royall intention and the adventurers free profeſſion is the principal end of this plantation. Willing, commanding, and requiring, and by theſe preſents for us, our heires and ſucceſſors, ordaineing and appointing, that all ſuch orders, lawes, ſtatutes and ordinances, inſtructions and directions, as ſhall be made by the Governour or deputy-Governour of the ſaid Company, and ſuch of the Aſſiſtants and Freemen as aforeſaid, and publiſhed in writing under theire common ſeale, ſhall be carefully and duely obſerved, kept, performed, and putt in execution, according to the true intent and meaneing of the ſame. And theſe our letters patents, or the duplicate, or exemplification, thereof, ſhall be, to all and every ſuch officers, ſuperiour and inferiour, from tyme to tyme, for the putting of the ſame orders, lawes, ſtatutes and ordinances, inſtructions and directions, in due execution, againſt us, our heires and ſucceſſors, a ſufficient warrant and diſcharge.

The Governous and other officers employed by the company in New-England shallgovern the inhabitants thereof according to the said laws.

And we do further, for us, our heirs, and ſucceſſors, give and grant to the ſaid Governour and Companie, and their ſucceſſors, by theſe preſents, That all and every ſuch chiefe commanders, captains, governours, and other officers and miniſters, as by the ſaid orders, lawes, ſtatutes, ordinances, inſtructions, or directions, of the ſaid Governour and Companie for the tyme being, ſhall be from tyme to tyme hereafter employed either in the government of the ſaid inhabitants and plantation, or in the way by ſea thither or from thence, according to the natures and limits of their offices and places reſpectively, ſhall from tyme to tyme hereafter forever within the precincts and parts of New-England hereby mentioned to be granted and confirmed, or in the way by ſea thither, or from thence, have full and abſolute power and authority to correct, puniſh, pardon,

don, governe and rule all ſuch, the ſubjects of us, our heirs, and ſucceſſors, as ſhall from tyme to tyme adventure themſelves in any voyage thither or from thence, or that ſhall at any tyme hereafter inhabite within the precincts and parts of New-England aforeſaid, according to the orders, lawes, ordinances, inſtructions and directions aforeſaid, not being repugnant to the lawes and ſtatutes of our realme of England as aforeſaid.

Power to the officers of the ſaid company reſident in the premiſſes hereby granted, and to the other inhabitants of the ſame, to defend themſelves by force of arms againſt invaders.

And wee do further, for us, our heires, and ſucceſſors, give and grant to the ſaid Governour and Companie, and theire ſucceſſors, by theſe preſents, That it ſhall and may be lawful to and for the chief commanders, governours, and officers of the ſaid companie for the tyme being, who ſhall be reſident in the ſaid part of New-England in America by theſe preſents granted, and others there inhabiteing, by their appointment and direction from tyme to tyme and at all tymes hereafter, for their ſpeciall defence and ſafety to encounter, repulſe, repell, and reſiſt, by force of arms, as well by ſea as by land, and by all fitting wayes and meanes whatſoever, all ſuch perſon and perſons as ſhall at any tyme hereafter attempt or enterpriſe the deſtruction, invaſion, detriment, or annoyance of the ſaid plantation or inhabitants: And to take and ſurpriſe by all wayes and meanes whatſoever all and every ſuch perſon and perſons, with their ſhipps, armour, munition, and other goods, as ſhall in hoſtile manner invade and attempt the defeatinge of the ſaid plantation, or the hurt of the ſaid companie and inhabitants. Nevertheleſs, our will and pleaſure is, and we do hereby declare to all Chriſtian Kings, Princes, and States, that, if any perſon or perſons which ſhall hereafter be of the ſaid companie or plantation, or any other by lycenſe or appointment of the ſaid Governour and Companie for

Provision for the caſe of injuries committed by the members of the ſaid company againſt

others of the king's subjects, or the subjects of any other prince or state.

for the tyme being, ſhall, at any time or times, hereafter, robb or ſpoyle by ſea or by land, or do any hurt, violence, or unlawful hoſtility to any of the ſubjects of us, our heirs, or ſucceſſors, or any of the subjects of any Prince or State being then in league and amity with us, our heirs, and ſucceſſors, and that upon ſuch injury done, and upon juſt complaint of ſuch Prince or State, or their ſubjects, wee, our heires, or ſucceſſors, ſhall make open proclamation within any of the parts within our realme of England commodious for that purpoſe, that the perſon or perſons having committed any ſuch robbery or ſpoyle, ſhall, within the terme limited by ſuch a proclamation, make full reſtitution or ſatisfaction of all ſuch injuries done, ſo as the ſaid Princes or others ſo complaining may hould themſelves fully ſatisfied and contented. And that if the ſaid perſon or perſons having committed ſuch robbery or ſpoyle ſhall not make, or cauſe to be made, ſatisfaction accordingly, within ſuch tyme ſo to be lymitted, that then it ſhall be lawful for us, our heires, and ſucceſſors, to putt the ſaid perſon or perſons out of our allegiance and protection; and that it ſhall be lawful and free for all Princes to proſecute with hoſtility the ſaid offenders and every of them, their, and every of their, procurers, ayders, abettors, and comforters, in that behalfe.

Provisoe reserving to the king's other subjects the right of fishing on the coast of the premisses hereby granted.

Provided alſo, and our expreſſe will and pleaſure is, and wee do, by theſe preſents, for us, our heires and ſucceſſors, ordaine and appoint, that theſe preſents ſhall not in any manner enure, or be taken, to abridge, barre, or hinder any of our loving ſubjects whatſoever to uſe and exerciſe the trade of fiſhing upon the coaſts of New-England in America by theſe preſents mentioned to be granted: But that they, and every or any of them, ſhall have full and free power and liberty to continue

continue and uſe their ſaid trade of fiſhing upon the ſaid coaſt in any of the ſeas thereunto adjoineing, or any armes of the ſeas or ſalt-water rivers where they have beene wont to fiſh, and to build and ſet-up upon the lands by theſe preſents granted ſuch wharfes, ſtages, and workhouſes as ſhall be neceſſary for the ſalting, drying, keeping, and packing-up of their fiſh to be taken or gotten upon that coaſt; and to cut-downe and take ſuch trees and other materialls there growing, or being, as ſhall be needful for that purpoſe, and for all other neceſſary eaſements, helpes, and advantages, concerning their ſaid trade of fiſhing there, in ſuch manner and forme as they have been heretofore at any tyme accuſtomed to doe, without makeing any wilful waſte or ſpoyle, any thing in theſe preſents contained to the contrary notwithſtanding.

And we do further, for us, our heires, and ſucceſſors, ordaine and grant the ſaid Governour and Companie, and their ſucceſſors, by theſe preſents, that theſe our letters patents ſhall be firme, good, effectual, and available in all things, and to all intents and conſtructions of lawe, according to our true meaning herein before declared, and ſhall be conſtrued, reputed, and adjudged in all caſes moſt favourably on the behalfe and for the benefit and behoofe of the ſaid Governour and Companie and their ſucceſſors; although expreſſe mention of the true yearly value, or certainty, of the premiſſes, or any of them, or of any other gifts or grants, by us or any other of our progenitors or predeceſſors, to the foreſaid Governour and Companie before this time made, in theſe preſents is not made; or any ſtatute, act, ordinance, proviſion, proclamation, or reſtraint to the contrary thereof heretofore had, made, publiſhed, ordained or provided, or any other matter, cauſe, or thing

These letters patent shall be good in law, and shall be construed in favour of the compa-ny, not-withstanding any omissions or imperfections in them, or any former statute, or other acts of authority, to the contrary.

thing whatſoever to the contrarie thereof in any wiſe notwithſtanding. In witneſs whereof we have cauſed theſe our letters to be made patent. Witneſs ourſelves at Weſtminſter, the fourth Day of March in the fourth yeare of our reigne.

This is a true copy of ſuch letters patents under the great ſeal of England. In teſtimony whereof, I, John Winthrop, Governour of the Mattachuſetts aforeſaid, have cauſed the publick ſeal of the ſame to be hereunto affixed this 19th day of the month called March, 1643-4.

JOHN WINTHROP, GOVERNOUR.

AN

THE

SECOND ROYAL CHARTER

OF THE

COLONY OF THE MASSACHUSETTS BAY

IN NORTH AMERICA,

GRANTED BY

KING WILLIAM AND QUEEN MARY,

IN THE THIRD YEAR OF THEIR REIGN.

SEPTIMA PARS PATENTIUM, DE ANNO REGNI REGIS GULIELMI TERTII ET MARIÆ REGINÆ TERTIO.

WILLIAM and MARY, by the Grace of God, &c. to all to whom theſe preſents ſhall come, greeting.

Recital of a grant of land in North-America, made by king James the First to the Council of Plymouth in the 18th year of his reign.

Whereas his late majeſty King James the Firſt, our royal predeceſſor, by his letters patents under the great ſeal of England, bearing date at Weſtminſter on the third day of November in the eighteenth year of his reign, did give and grant unto the Council eſtabliſhed at Plymouth in the county of Devon, for the planting, ruling, ordering, and governing of New-England in America, and to their ſucceſſors and aſſigns, all that part of America lying and being, in breadth, from forty degrees of northerly latitude from the equinoctial line, to the forty-eighth degree of the ſaid northerly latitude inclusively, and, in length, of and within all the breadth aforeſaid, throughout all the main lands from ſea to ſea; together with all the firm lands, ſoils, grounds, havens, ports, rivers, waters, fiſhings, mines and minerals, as well royal mines of gold and ſilver, as other mines and minerals, precious ſtones, quarries, and all and ſingular other commodities, juriſdictions, royalties, privileges, franchiſes,

franchiſes, and pre-eminences, both within the ſaid tract of land upon the main, and alſo within the iſlands and ſeas adjoining; provided always, that the ſaid lands, iſlands, or any the premiſes by the ſaid letters patents intended and meant to be granted, were not then actually poſſeſſed or inhabited by any other Chriſtian prince or ſtate, or within the bounds, limits, or territories of the ſouthern colony then before granted by the ſaid late King James the Firſt, to be planted by divers of his ſubjects in the ſouth parts: to have and to hold, poſſeſs and enjoy all and ſingular the foreſaid continent, lands, territories, iſlands, hereditaments and precincts, ſeas, waters, fiſhings, with all, and all manner of, their commodities, royalties, liberties, pre-eminences and profits that ſhould from thenceforth ariſe from thence, with all and ſingular their appurtenances, and every part and parcel thereof, unto the ſaid Council, and their ſucceſſors and aſſigns, for ever, to the ſole and proper uſe and benefit of the ſaid Council, and their ſucceſſors and aſſigns for ever: to be holden of his ſaid late Majeſty King James the First, his heirs and ſucceſſors, as of his manor of Eaſt-Greenwich in the county of Kent, in free and common ſoccage, and not *in capite*, nor by knights' ſervice: yielding and paying therefore to the ſaid late king, his heirs and ſucceſſors, the fifth part of the ore of gold and ſilver, which ſhould, from time to time, and at all times then after, happen to be found, gotten, had and obtained, in, at, or within, any of the ſaid lands, limits, territories or precincts, or in, or within, any part or parcel thereof, for, or in reſpect of, all and all manner of duties, demands, and ſervices whatſoever, to be done, made, or paid to the ſaid late King James the Firſt, his heirs and ſucceſſors; as in, and by, the ſaid letters patents, amongſt ſundry other

other clauſes, powers, privileges, and grants, therein contained, more at large appeareth.

And whereas the ſaid Council eſtabliſhed at Plymouth, in the county of Devon, for the planting, ruling, ordering, and governing of New-England in America, did, by their deed indented under their common ſeal, bearing date the nineteenth day of March in the third year of the reign of our royal grandfather king Charles the Firſt, of ever-bleſſed memory, give, grant, bargain, ſell, enfeoff, alien, and confirm to Sir Henry Roſewell, Sir John Young, knights, Thomas Southcott, John Humphreys, John Endicott, and Simon Whetcombe, their heirs and aſſigns, and their aſſociates for ever, all that part of New-England in America aforeſaid, which lies and extends between a great river there commonly called Monomack alias Merrimack, and a certain other river there called Charles river, being a bottom of a certain bay there commonly called Maſſachuſets, alias Mattachuſets, alias Maſſatuſets, bay; and alſo all and ſingular thoſe lands and hereditaments whatſoever, lying within the ſpace of three Engliſh miles on the ſouth part of the ſaid Charles river, or of any and every part thereof; and alſo all and ſingular the lands and hereditaments whatſoever, lying and being within the ſpace of three Engliſh miles to the ſouthward of the ſouthernmoſt part of the ſaid bay called the Maſſachuſets, alias Mattathuſets, alias Maſſatuſets, bay; and alſo all thoſe lands and hereditaments whatſoever which lie and be within the ſpace of three Engliſh miles to the northward of the ſaid river called Monomack, alias Merrimack, or to the northward of any and every part thereof; and all lands and hereditaments whatſoever, lying within the limits aforeſaid, north and ſouth in latitude and in breadth, and in length

The Council at Plymouth granted Maſſachuſets bay to Sir Henry Roſewell and others, in fee ſimple; in 3 Car. 1.

length and longitude, of and within all the breadth aforeſaid, throughout the main lands there from the Atlantick and weſtern ſea and ocean on the eaſt part, to the ſouth ſea on the weſt part; and all lands and grounds, place and places, ſoil, woods and wood-grounds, havens, ports, rivers, waters, fiſhings and hereditaments, whatſoever, lying within the ſaid bounds and limits, and every part and parcel thereof; and alſo all iſlands lying in America aforeſaid, in the ſaid ſeas, or either of them, on the weſtern or eaſtern coaſts or parts of the ſaid tracts of land by the ſaid indenture mentioned to be given and granted, bargained, ſold, enfeoffed, aliened and confirmed, or any of them; and alſo all mines and minerals, as well royal mines of gold and ſilver, as other mines and minerals whatſoever, in the ſaid lands and premiſſes, or any part thereof; and all juriſdictions, rights, royalties, liberties, freedoms, immunities, privileges, franchiſes, pre-eminences, and commodities whatſoever, which they the ſaid Council eſtabliſhed at Plymouth, in the county of Devon, for the planting, ruling, ordering, and governing of New-England in America, then had or might uſe, exerciſe or enjoy, in or within the ſaid land and premiſes, by the ſame indenture mentioned to be given, granted, bargained, ſold, enfeoffed, and confirmed in, or within, any part or parcel thereof; to have and to hold the ſaid part of New-England in America, which lies and extends, and is abutted as aforeſaid, and every part and parcel thereof, and all the ſaid iſlands, rivers, ports, havens, waters, fiſhings, mines, minerals, juriſdictions, franchiſes, royalties, liberties, privileges, commodities, hereditaments and premiſes whatſoever, with the appurtenances, unto the ſaid Sir Henry Roſewell, Sir John Young, Thomas Southcott,

Habendum:

Southcott, John Humphreys, John Endicott, and Simon Whetcombe, their heirs and aſſigns, and their aſſociates for ever, to the only proper and abſolute uſe and behoof of the ſaid Sir Henry Roſwell, Sir John Young, Thomas Southcott, John Humphreys, John Endicott, and Simon Whetcombe, their heirs and aſſigns, and their aſſociates for evermore; to be holden of our ſaid royal Grandfather king Charles the Firſt, his heirs and ſucceſſors, as of his manor of Eaſt Greenwich in the county of Kent, in free and common ſoccage, and not *in capite*, nor by knights ſervice; yielding and paying therefore unto our ſaid royal Grandfather, his heirs and ſucceſſors, the fifth part of the ore of gold and ſilver, which ſhould, from time to time, and at all times hereafter, happen to be fouud, gotten, had and obtained in any of the ſaid lands within the ſaid limits, or in or within any part thereof, for and in ſatisfaction of all manner of duties, demands and ſervices whatſoever to be done, made or paid to our ſaid royal Grandfather, his heirs or ſucceſſors, (as in and by the ſaid recited indenture may more at large appear).

Tenendum.

Reddendum.

And whereas our ſaid royal Grandfather, in and by his letters patents under the great Seal of England, bearing date at Weſtminſter the fourth day of March in the fourth year of his reign, for the conſideration therein mentioned, did grant and confirm unto the ſaid Sir Henry Roſwell, Sir John Young, Tho. Southcott, John Humphreys, John Endicott, and Simon Whetcombe, and to their aſſociates after named; viz. Sir Ralph Saltenſtall, knight, Iſaac Johnſon, Samuel Alderſey, John Ven, Matthew Craddock, George Harwood, Increaſe Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vaſſal, Theophilus

The king confirmed this grant by letters-patent, in 4 Car. I:

ophilus Eaton, Thomas Golfe, Thomas Adams, John Brown, Samuel Brown, Thomas Hutchins, William Vaſſal, William Pincheon, and George Foxcroft, their heirs and aſſigns, all the ſaid part of New-England in America, lying and extending between the bounds and limits in the ſaid indenture expreſſed, and all lands and grounds, place and places, ſoils, woods and wood-grounds, havens, ports, rivers, waters, mines, minerals, juriſdictions, rights, royalties, liberties, freedoms, immunities, privileges, franchiſes, pre-eminences, and hereditaments whatſoever, bargained, ſold, enfeoffed and confirmed, or mentioned or intended to be given, granted, bargained, ſold, enfeoffed, aliened and confirmed, to them the ſaid Sir Henry Roſwell, Sir John Young, Thomas Southcott, John Humphrey, John Endicott, and Simon Whetcombe, their heirs and aſſigns, and to their aſſociates for ever, by the ſaid recited indenture; to have and to hold the ſaid part of New-England in America; and other the premiſes thereby mentioned to be granted and confirmed, and every part and parcel thereof, with the appurtenances, to the ſaid Sir Henry Roſwell, Sir John Young, Sir Richard Saltenſtall, Thomas Southcott, John Humphrey, John Endicott, Simon Whetcombe, Iſaac Johnſon, Samuel Alderſey, John Ven, Matthew Craddock, George Harwood, Increaſe Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vaſſall, Theophilus Eaton, Thomas Golfe, Thomas Adams, John Brown, Samuel Brown, Thomas Hutchins, William Vaſſall, William Pincheon and George Foxcroft, their heirs and aſſigns for ever, to their only proper and abſolute uſe and behoof for evermore; to be holden of our ſaid royal Grandfather, his heirs and ſucceſſors, as of his manor of Eaſt Greenwich aforeſaid,

Habendum.

Tenendum.

ſaid, in free and common ſoccage, and not *in capite*, nor in knights ſervice; and alſo yielding and paying therefore to our ſaid royal Grandfather, his heirs and ſucceſſors, the fifth part only of all the ore of gold and ſilver, which from time to time, and at all times after, ſhould be there gotten, had or obtained, for all ſervices, exactions and demands whatſoever, according to the tenor and reſervation in the ſaid recited indenture expreſſed. Reddendum.

And further our ſaid royal Grandfather, by the ſaid letters patents, did give and grant unto the ſaid Sir Henry Roſwell, Sir John Young, Sir Richard Saltenſtall, Thomas Southcott, John Humphreys, John Endicott, Simon Whetcombe, Iſaac Johnſon, Samuel Alderſey, John Ven, Matthew Craddock, George Harwood, Increaſe Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vaſſall, Theophilus Eaton, Thomas Golſe, Thomas Adams, John Brown, Samuel Brown, Thomas Hutchins, William Vaſſall, William Pincheon and George Foxcroft, their heirs and aſſigns, all that part of New-England in America which lies and extends between a great river there, commonly called Monomack, alias Merrimack, river, and a certain other river there, called Charles river being in the bottom of a certain bay there, commonly called Maſſachuſetts, alias Mattachuſetts, alias Maſſatuſetts, Bay, as alſo all and ſingular thoſe lands and hereditaments whatſoever, lying within the ſpace of three Engliſh miles on the South part of the ſaid River called Charles River, or of any or every part thereof; and alſo all and ſingular thoſe lands and hereditaments whatſoever, lying and being within the ſpace of three Engliſh miles to the Southward of the Southermoſt part of the ſaid bay, called Maſſachuſetts, alias Mattachu- And granted the ſame lands over again to the new grantees, or aſſignees, Sir Henry Roswell and others.

ſets, alias Maſſatuſetts, Bay; and alſo all thoſe lands and hereditaments whatſoever, which lie and be within the ſpace of three Engliſh miles to the northward of the ſaid river, called Monomack, alias Merrimack, or to the Northward of any and every part thereof, and all lands and hereditaments whatſoever, lying within the limits aforeſaid, North and South in latitude and in breadth, and in length and longitude, of and within all the breadth aforeſaid, throughout the main lands there, from the Atlantick, or Weſtern, ſea and ocean, on the Eaſt part, to the South-Sea on the Weſt part; and all lands and grounds, place and places, ſoils, woods and wood-lands, havens, ports, rivers, waters and hereditaments whatſoever, lying within the ſaid bounds and limits, and every part and parcel thereof; and alſo all iſlands in America aforeſaid, in the ſaid ſeas, or either of them, or the Weſtern or Eaſtern coaſts, or parts of the ſaid tracts of lands thereby mentioned to be given and granted, or any of them; and all mines and minerals, as well royal mines of gold and ſilver, as other mines and minerals whatſoever, in the ſaid lands and premiſes, or any part thereof; and free liberty of fiſhing in, or within, any of the rivers or waters within the bounds and limits aforeſaid, and the ſeas thereunto adjoining; and all fiſhes, royal fiſhes, whales, balene, ſturgeons, and other fiſhes of what kind or nature ſoever, that ſhould at any time hereafter be taken in, or within, the ſaid ſeas or waters, or any of them, by the ſaid Sir Henry Roſewell, Sir John Young, Sir Richard Saltenſtall, Thomas Southcott, John Humphreys, John Endicott, Simond Whetcombe, Iſaac Johnson, Samuel Alderſey, John Ven, Matthew Craddock, George Harwood, Increaſe Nowell, Richard Bellingham, Thomas Wright, Samuell Vaſſall, Theophilus Eaton,

Thomas

Thomas Golfe, Thomas Adams, John Brown, Samuel Browne, Tho. Hutchins, William Vaſſall, William Pincheon, and George Foxcroft, their Heirs or Aſſigns, or by any other perſon or perſons whatſoever there inhabiting, by them, or any of them, to be appointed to fiſh therein. Provided always, that if the ſaid lands, iſlands, or any of the premiſes before-mentioned, and by the ſaid letters patents laſt-mentioned, intended and meant to be granted, were, at the time of the granting the ſaid former letters patents, dated the third day of November, in the eighteenth year of the reign of his late Majeſty King James the Firſt, actually poſſeſſed or inhabited by any other Chriſtian Prince or State, or were within the bounds, limits or territories of the ſaid Southern Colony then before granted by the King, to be planted by divers of his loving ſubjects in the South parts of America, that then the ſaid grant of Our ſaid Royal Grandfather ſhould not extend to any ſuch parts or parcels thereof, ſo formerly inhabited or lying within the bounds of the Southern Plantation as aforeſaid; but as to thoſe parts or parcels ſo poſſeſſed or inhabited by any ſuch Chriſtian Prince or State, or being within the boundaries aforeſaid, ſhould be utterly void; to have, hold, poſſeſs, and enjoy, the ſaid parts of New-England in America, which lie, extend, and are abutted as aforeſaid, and every part and parcel thereof, and all the iſlands, rivers, ports, havens, waters, fiſhings, fiſhes, mines, minerals, juriſdictions, franchiſes, royalties, liberties, privileges, commodities, and premiſes whatſoever, with the appurtenances, unto the ſaid Sir Henry Roſwell, Sir John Young, Sir Richard Saltenſtall, Thomas Southcott, John Humphreys, John Endicott, Simond Whetcombe, Iſaac Johnſon, Samuel Alderſey, John Ven, Matthew Craddock, George Harwood, Increaſe Nowell, Richard Per-

Proviſoe.

Habendum.

ry, Richard Bellingham, Nathaniel Wright, Samuel Vaſſall, Theophilus Eaton, Thomas Golſe, Thomas Adams, John Brown, Samuel Browne, Thomas Hutchins, William Vaſſal, William Pinchcon, and George Foxcroft, their Heirs and Aſſigns for ever, to the only proper and abſolute uſe and behoof of the ſaid Sir Henry Roſwell, Sir John Young, Sir Richard Saltenſtall, Thomas Southcott, John Humphreys, John Endicott, Symond Whetcombe, Isaac Johnſon, Samuel Alderſey, John Ven, Matthew Craddock, George Harwood, Increaſe Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuell Vaſſall, Theophilus Eaton, Thomas Golſe, Thomas Adams, John Brown, Samuel Browne, Thomas Hutchins, William Vaſſall, William Pincheon, and George Foxcroft, their Heirs and Aſſigns for evermore; to be holden of our ſaid Royal Grandfather, his Heirs and Succeſſors, as of his manor of Eaſt-Greenwich in the county of Kent, within the realme of England, in free and common ſoccage, and not *in capite*, nor by Knights ſervice; and alſo yielding and paying thereof to Our ſaid Royal Grandfather, his Heirs and Succeſſors, the fifth part only of all the ore of gold and ſilver, which from time to time, and at all times hereafter, ſhould be gotten, had or obtained, for all ſervices, exactions and demands whatſoever: Provided always, and his Majeſty's expreſs will and meaning was, that only that one fifth part of all the gold and ſilver ore abovementioned in the whole and no more, ſhould be anſwered, reſerved or payable unto our ſaid Royal Grandfather, his Heirs and Succeſſors, by colour or virtue of the ſaid laſt-mentioned letters patents, the double reſervations or recitals aforeſaid, or any thing therein contained notwithſtanding.

Tenendum.

Reddendum.

And to the end that the affairs and buſineſs, which

from

from time to time ſhould happen and ariſe, concerning the lands and plantations of the ſame, might be the better managed and ordered, and for the good government thereof, Our ſaid Royal Grandfather, King Charles the Firſt, did, by his ſaid letters patent, create and make the ſaid Sir Henry Roſwell, Sir John Young, Sir Richard Saltenſtall, Thomas Southcott, John Humphreys, John Endicott, Symond Whetcombe, Iſaac Johnſon, Samuel Alderſey, John Ven, Matthew Craddock, George Harwood, Increaſe Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vaſſall, and Theophilus Eaton, Thomas Golſe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vaſſall, William Pincheon and George Foxcroft, and all ſuch others as ſhould thereafter be admitted and made free of the company and Society therein after-mentioned, one body corporate and politick in fact and name, by the name of the Governour and Company of the Maſſachuſetts Bay in New-England; and did grant unto them, and their Succeſſors, divers powers, liberties, and privileges, as in and by the ſaid letters patents may more fully and at large appear.

Incorporation of the grantees, Sir Henry Roſewell &c. and their ſucceſſors, by the name of the Governour and company, of the Maſſachuſetts Bay in New England.

And whereas the ſaid Governour and Company of the Maſſachuſetts Bay in New England, by virtue of the ſaid letters patents, did ſettle a Colony of the Engliſh in the ſaid parts of America, and divers good ſubjects of this kingdom, encouraged and invited by the ſaid letters patents, did tranſport themſelves and their effects into the ſame, whereby the ſaid plantation did become very populous; and divers counties, towns, and places were created, erected, named, ſet forth, or deſigned, within the ſaid parts of America, by the ſaid Governour and Company for the time being.

The repeal of the former charter, in 86 Cor. 2.

And whereas in the term of the Holy Trinity, in the thirty-ſixth year of the reign of Our deareſt uncle King Charles the Second, a judgment was given in Our Court of Chancery, then ſitting at Weſtminſter, upon a writ of *Scire Facias*, brought and proſecuted in the ſaid Court, againſt the Governour and Company of the Maſſachuſetts Bay in New England; and that the ſaid letters patents of Our ſaid Royal Grandfather King Charles the Firſt, bearing date at Weſtminſter the fourth day of March, in the fourth year of his reign, made and granted to the ſaid Governour and company of the Maſſachuſetts Bay in New England, and the enrollment of the ſame ſhonld be cancelled, vacated, and annihilated, and ſhould be brought into the ſaid Court to be cancelled (as in and by the ſaid judgment remaining upon record in the ſaid Court doth more at large appear.)

The petition of the inhabitants of Maſſachusetsbay, to king William for a new Charter.

And whereas ſeveral perſons employed as Agents in behalf of Our ſaid Colony of the Maſſachuſetts Bay in New-England have made their humble application unto Us, that We would be graciouſly pleaſed by our Royal Charter, to incorporate Our ſubjects in Our ſaid Colony, and to grant and confirm unto them ſuch powers, privileges and franchiſes, as in Our Royal wiſdom ſhould be thought moſt conducing to Our intereſt and ſervice, and to the welfare and happy ſtate of Our ſubjects in New-England, and we being graciouſly pleaſed to gratify our ſaid ſubjects, and alſo to the end that Our good ſubjects within Our Colony of New-Plymouth in New-England aforeſaid, may be brought under ſuch a form of Government as may put them in a better condition of defence; and conſidering that the granting, as well unto them as unto Our ſubjects in the ſaid Colony of the Maſſachuſetts Bay, Our Royal Charter, with reaſonable powers and privileges, will much tend, not only to the ſafety

but

but to the flouriſhing eſtate of Our ſubjects in the ſaid parts of New-England; and alſo to the advancing the ends for which the ſaid plantations were at firſt encouraged; of Our eſpecial grace, certain knowledge, and mere motion, have willed and ordained, and We do by theſe preſents for us, our Heirs and Succeſſors, will and ordain, that the Territories and colonies, commonly called or known by the names of the Colony of the Maſſachuſetts-Bay, and Colony of New-Plymouth, the Province of Main, the Territory called Accadia, or Nova-Scotia, and all that tract of land lying between the ſaid Territories of Nova-Scotia, and the ſaid province of Main, be united, erected, and incorporated; and we do by theſe preſents unite, erect, and incorporate the ſame into one real Province, by the name of our *Province of the Maſſachuſetts Bay in New-England*; and of our ſpecial grace, certain knowledge, and mere motion, we have given and granted, and, by theſe preſents, for us, our Heirs and ſucceſſors, do give and grant unto our ſaid ſubjects, the inhabitants of Our ſaid Province, or Territory, of the Maſſachuſetts Bay, and their Succeſſors, all that part of New-England in America, lying and extending from the great river commonly called Monomack, alias Merrimack, and the North part, and from three miles northward of the ſaid river, to the Atlantic, or weſtern, ſea, or ocean, on the ſouth part; and all the lands and hereditaments whatſoever lying within the limits aforeſaid, and extending as far as the uttermoſt points or promontories of land called Cape Cod and Cape Malabar north and ſouth, and in latitude and breadth, and in length and longitude, of and within all the breadth and compaſs aforeſaid, throughout the main land there, from the ſaid Atlantic, or Weſtern, Sea and ocean on the eaſt part, towards the South Sea or Weſtward,

The new grant.

The new boundaries of the Colony, or Province, of the Massachusets bay, in New-England.

ward as far as our colonies of Rhode Iſland, Connecticut, and the Narrowganſet country; and alſo that part and portion of Main land beginning at the entrance of Piſcataway harbour, and ſo paſſing up the ſame into the river of Newickewannocke, and through the ſame into the furtheſt head thereof, and from thence North-weſtward till one hundred and twenty miles be finiſhed, and from Piſcataway harbour mouth aforeſaid, North-eaſtward along the ſea-coaſt to Sagadehock, and from the period of one hundred and twenty miles aforeſaid, to croſs over land to the one hundred and twenty-miles before reckoned-up into the lands from Piſcataway harbour through Newickannocke river; and alſo the North half of the Iſles of Shoals, together with the Iſles of Chappawock and Nantuckett, near Cape Cod aforeſaid; and alſo the lands and hereditaments lying and being in the Country or Territory commonly called Accadia or Nova-Scotia; and all thoſe lands and hereditaments lying and extending between the ſaid Country or Territory of Nova-Scotia and the ſaid river of Sagadahock, or any part thereof; and all lands, grounds, places, ſoils, woods and wood-grounds, havens, ports, rivers, waters, and other hereditaments and premiſes whatſoever, lying within the ſaid bounds and limits aforeſaid, and every part and parcel thereof; and alſo all Iſlands and Iſlets lying within ten leagues directly oppoſite to the main land within the ſaid bounds, and all Mines and Mineralls, as well Royal Mines of gold and ſilver, as other Mines and Minerals whatſoever, in the ſaid lands and premiſes, or any part thereof; to have and to hold the ſaid Territories, tracts, countries, lands, hereditaments, and all and ſingular other the premiſes, with their and every of their appurtenances, to our ſaid ſubjects, the inhabitants of our

Habendum.

ſaid

ſaid province of the Maſſachuſetts Bay in New-England, and their ſucceſſors, to their only proper uſe and behoof for evermore; to be holden of us, our heirs and ſucceſſors, as of our manor of Eaſt Greenwich in the County of Kent, by fealty only, in free and common ſoccage, yielding and paying therefore yearly, to us, our heirs and ſucceſſors, the fifth part of all gold and ſilver ore and precious ſtones, which ſhall from time to time, and at all times hereafter, happen to be found, gotten, had and obtained, in any of the ſaid lands and premiſes, or within any part thereof: Provided nevertheleſs, and we do for us, our heirs and ſucceſſors, grant and ordain, that all and every ſuch lands, tenements, hereditaments, and other eſtates, which any perſon or perſons, or bodies politick or corporate, towns, villages, colleges, or ſchools, do hold and enjoy, or ought to have, hold and enjoy, within the bounds aforeſaid, by or under any grant or eſtate duly made or granted by any General Court formerly held, or by virtue of the letters patents herein before-recited, or by any other lawful right or title whatſoever ſhall be by ſuch perſon and perſons, bodies politick and corporate, towns, villages, colleges, or ſchools, their reſpective Heirs, Succeſſors and Aſſigns, for ever hereafter held and enjoyed according to the purport and intent of ſuch reſpective grant, under and ſubject nevertheleſs to the rents and ſervices thereby reſerved or made payable; any matter or thing whatſoever to the contrary notwithſtanding. And provided alſo, that nothing herein contained ſhall extend, or be underſtood or taken, to impeach or prejudice any right, title, intereſt, or demand, which Samuel Allen, of London, Merchant, claiming from and under John Maſon, Eſquire, deceaſed, or any other perſon, or perſons, hath, or have, or claimeth or claim, to have,

Tenendum.

Proviſoe in favour of grants made under the authority of the former Charter of king Charles the First.

have, hold or enjoy, of in to or out of any part or parts of the premiſes ſituate within the limits above-mentioned; but that the ſaid Samuel Allen, and all and every ſuch perſon and perſons, may and ſhall have, hold and enjoy the ſame, in ſuch manner (and no other than) as if theſe preſents had not been had or made; it being our further will and pleaſure, that no grants or conveyances of any lands, tenements or hereditaments to any towns, colleges, ſchools of learning, or to any private perſon or perſons, ſhall be judged, or taken, to be avoided, or prejudiced, for, or by reaſon of, any want, or defect, of form, but that the ſame ſtand and remain of force, and be maintained, adjudged, and have effect in ſuch manner as the ſame ſhould, or ought, before the time of the ſaid recited judgement, according to the laws and rules then and there uſually practiſed and allowed.

A Governour, Lieutenant-Governour, and Secretary of the Province to be appointed by the king.

And we do further, for us, our heirs and ſucceſſors, will, eſtabliſh, and ordain, that from henceforth for ever there ſhall be one Governour, one Lieutenant, or Deputy, Governour, and one Secretary, of our ſaid Province or Territory, to be from time to time appointed and commiſſionated by us, our heirs and ſucceſſors, and eight-and-twenty-Aſſiſtants or Councillors, to be adviſing and aſſiſting to the Governour of our ſaid Province or Territory for the time being, as by theſe preſents is hereafter directed and appointed, which ſaid Couucil and Aſſiſtants are to be conſtituted, elected and choſen, in ſuch form and manner as hereafter in theſe preſents is expreſſed.

Twenty-eight Counſellors.

And for the better execution of our royal pleaſure and grant in this behalf, We do, by theſe preſents, for us, our Heirs and Succeſſors, nominate, ordain, make and conſtitute, our truſty and well beloved Simon Broadſtreet, John Richards, Nathaniel Saltenſtall, Wait Winthrop,

Winthrop, John Philips, James Ruſſell, Samuel Sewall, Samuel Apleton, Bartholomew Gedney, John Hawthorne, Eliſha Hutchins, Robert Pike, Jonathan Curwin, John Jolliffe, Adam Winthrop, Richard Middlecot, John Foſter, Peter Serjeant, Joſeph Lynd, Samuel Heyman, Stephen Maſon, Thomas Hinkely, William Bradford, John Walley, Barnabas Lowthrop, Job Alcot, Samuel Daniel, and Silvanus Davies, Eſquires, the firſt and preſent Counſellors or Aſſiſtants of our ſaid Province, to continue in their ſaid reſpective offices or truſts of Counſellors or Aſſiſtants until the laſt Wedneſday in May, which ſhall be in the year of our Lord One thouſand Six hundred Ninety-three, and until other Counſellors or Aſſiſtants ſhall be choſen and appointed in their ſtead, in ſuch manner as in theſe preſents is expreſſed.

And We do further, by theſe preſents, conſtitute and appoint our truſty and well-beloved Iſaac Addington, Eſquire, to be our firſt and preſent Secretary of our ſaid province during our pleaſure.

The Governour to have power to aſſemble the Council at his diſcretion.

And our will and pleaſure is, that the Governour of our ſaid province, for the time being, ſhall have authority from time to time, at his diſcretion, to aſſemble and call-together the Counſellors, or Aſſiſtants, of our ſaid province, for the time being; and that the ſaid Governour, with the ſaid Aſſiſtants, or Counſellors, or ſeven of them at leaſt, ſhall and may, from time to time, hold and keep a Council for the ordering and directing the affairs of our ſaid province.

Seven Counſellors at leaſt, muſt be preſent at every meeting of the Council.

A General Court, or Aſſembly, to be held every year.

And further, we will, and, by theſe preſents, for Us, Our heirs and ſucceſſors, do ordain and grant, that there ſhall and may be convened, held, and kept, by the Governour for the time being, upon every laſt Wedneſday in the month of May every year for ever, and at all

ſuch

ſuch other times as the Governor of our ſaid province ſhall think fit and appoint, a Great and General Court or Aſſembly; which ſaid Great and General Court, or Aſſembly, ſhall conſiſt of the Governour and Council, or Aſſiſtants, for the time being, and of ſuch freeholders of our ſaid province, or territory, as ſhall be from time to time elected, or deputed, by the major part of the freeholders, and other inhabitants of the reſpective towns and places, who ſhall be preſent at ſuch elections; each of the ſaid towns and places being hereby impowered to elect and depute two perſons, and no more, to ſerve for and repreſent them reſpectively in the ſaid Great and General Court or Aſſembly, to which Great and General Court or Aſſembly, to be held as aforeſaid, We do heredy for Us, Our heirs and ſucceſſors, give and grant full power and authority, from time to time, to direct, appoint and declare, what number of each county, town, and place, ſhall elect and depute to ſerve for and repreſent them reſpectively in the ſaid Great and General Court or Aſſembly, provided always, that no freeholder, or other perſon, ſhall have a vote in the election of Members to ſerve in any Great and General Court or Aſſembly, to be held as aforeſaid, who, at the time of ſuch election, ſhall not have an eſtate of freehold in land, within our ſaid province or territory, of the value of forty ſhillings *per annum* at leaſt, or other eſtate to the value of fifty pounds ſterling; and that every perſon who ſhall be ſo elected, ſhall, before he ſit or act in the ſaid Great and General Court or Aſſembly, take the oath mentioned in the act of parliament made in the firſt year of Our reign, intituled, "An act for the abrogating of the Oaths of Allegiance and Supremacy, and appointing other Oaths," and thereby appointed to be taken inſtead of the Oaths of Allegiance

Deputies to this Aſſembly to be chosen by the freeholders of the province.

Qualification of the electors.

Oaths to be taken by the persons elected.

ance and Supremacy, and ſhall make, repeat and ſubſcribe, the declaration mentioned in the ſaid act, before the Governor, or Lieutenant or Deputy-Governor, or any two of the aſſiſtants, for the time being, who ſhall be thereunto authoriſed and appointed by our ſaid Governor; and that the Governor, for the time being, ſhall have full power and authority from time to time, as he ſhall judge neceſſary, to adjourn, prorogue and diſſolve, all Great and General Courts or Aſſemblies, met or convened as aforeſaid.

The Governor may adjourn, prorogue, or diſſolve, the Aſſemblies at his pleaſure.

And Our will and pleaſure is, and We do hereby for us, our heirs and ſucceſſors, grant, eſtabliſh and ordain, that yearly, once in every year for ever hereafter, the aforeſaid number of eight and twenty Counſellors or Aſſiſtants ſhall be by the General Court or Aſſembly newly choſen; that is to ſay, eighteen at leaſt of the inhabitants or proprietors of lands within the territory formerly called the colony of the Maſſachuſets Bay, and four at the leaſt of the inhabitants of, or proprietors of lands, within the territory formerly called New Plymouth, and three at the leaſt of the inhabitants of, or proprietors of lands within the territory formerly called the Province of Main, and one at the leaſt of the inhabitants of, or proprietors of lands within, the territory lying between the river Sagadahoc and Nova-Scotia; and that the ſaid Counſellors or Aſſiſtants, or any of them, ſhall or may, at any time hereafter, be removed and diſplaced, from their reſpective places or truſt of Counſellors or Aſſiſtants, by any Greater General Court or Aſſembly; and that, if any of the ſaid Counſellors or Aſſiſtants ſhall happen to die, or be removed as aforeſaid, before the General day of election, that then, and in every ſuch caſe, the Great and General Court or Aſſembly, at their firſt ſitting, may

The counſellors are to be choſen annually by the Aſſembly.

may proceed to a new election of one or more Counſellors or Aſſiſtants, in the room or place of ſuch Counſellors or Aſſiſtants ſo dying or removed.

The Governour and Council are to appoint the judges, and other officers of juſtice.

And We do further grant and ordain, that it ſhall and may be lawful for the ſaid Governour, with the advice and conſent of the Council or Aſſiſtants, from time to time, to nominate and appoint Judges, Commiſſioners of Oyer and Terminer, Sheriffs, Provoſts-Marſhals, Juſtices of the Peace, and other officers to our Council and Courts of Juſtice belonging: provided always that no ſuch nomination or appointment of officers be made without notice firſt given, or ſummons iſſued out, ſeven days before ſuch nomination or appointment, unto ſuch of the ſaid Counſellors, or Aſſiſtants, as ſhall be at that time reſiding within our ſaid province.

Oaths to be taken by the Governour and the officers.

And Our will and pleaſure is, that the Governour, and Lieutenant, or Deputy, Governour, and Counſellors, or Aſſiſtants, for the time being, and all other officers to be appointed or choſen as aforeſaid, ſhall, before the undertaking of the execution of their offices and places reſpectively, take their ſeveral and reſpective oaths for the due and faithful performance of their duties in their ſeveral and reſpective offices and places; as alſo the oaths appointed by the ſaid act of parliament, made in firſt year of our reign, to be taken inſtead of the oaths of allegiance and ſupremacy; and ſhall make, repeat, and ſubſcribe, the declaration mentioned in the ſaid act, before ſuch perſon or perſons as are by theſe preſents herein after appointed; (that is to ſay) the Governour of our ſaid province, or territory, for the time being, ſhall take the ſaid oaths, and make, repeat, and ſubſcribe, the ſaid declaration, before the Lieutenant, or Deputy, Governour, or, in his abſence, before any two

or

or more of the ſaid perſons hereby nominated and appointed the preſent Counſellors, or Aſſiſtants, of our ſaid province or territory, to whom We do, by theſe preſents, give full power and authority to give and adminiſter the ſame to our ſaid Governour accordingly; and, after our ſaid Governour ſhall be ſworn, and ſhall have ſubſcribed the ſaid declaration, that then our Lieutenant, or Deputy, Governour, for the time being, and the Counſellors, or Aſſiſtants, before by theſe preſents nominated and appointed, ſhall take the ſaid oaths, and make, repeat, and ſubſcribe the ſaid declaration beforeourſaid Governour; and that every ſuch perſon, or perſons, as ſhall (at the time of the annual elections, or otherwiſe upon death or removal) be appointed to be the new Counſellors or Aſſiſtants, and all other Officers to be hereafter choſen from time to time, ſhall take the oaths, to their reſpective offices and places belonging, and alſo the ſaid oaths appointed by the ſaid act of parliament to be taken inſtead of the oaths of allegiance and ſupremacy; and ſhall make, repeat, and ſubſcribe the declaration mentioned in the ſaid act, before the Governour, or Lieutenant-Governour, or any two, or more, Counſellors, or Aſſiſtants, or ſuch other perſon, or perſons, as ſhall be appointed thereunto by the Governour for the time being, to whom We do therefore, by theſe preſents, give full power and authority from time to time to give and adminiſter the ſame reſpectively, according to our true meaning herein before-declared, without any commiſſion, or further warrant, to be had and obtained from us, our heirs, and ſucceſſors, in that behalf.

And our will and pleaſure is, and We do hereby require and command, that all and every perſon and perſons, hereafter by us, our heirs, and ſucceſſors, nomi-

All future Governours and Lieutenant Governours, and Secretaries, of the province, shall take the same oaths.

nated and appointed to the reſpective offices of Governour, or Lieutenant, or Deputy, Governour, and Secretary, of our ſaid province or territory, (which ſaid Governour, or Lieutenant, or Deputy, Governour, and Secretary, of our ſaid province or territory, for the time being, We do hereby reſerve full power and authority to us, our heirs, and ſucceſſors, to nominate and appoint accordingly,) ſhall, before he or they be admitted to the execution of their offices, take as well the oaths for the due and faithful performance of the ſaid offices reſpectively, as alſo the oaths appointed by the ſaid act of parliament, made in the ſaid firſt year of our reign, to be taken inſtead of the ſaid oaths of allegiance and ſupremacy; and ſhall alſo make, repeat, and ſubſcribe the declaration appointed by the ſaid act, in ſuch manner, and before ſuch perſons, as aforeſaid.

The children of the king's subjects that ſhall be born in the ſaid province ſhall have the ſame rights and privileges as if they had been born in England.

And further, our will and pleaſure is, and we do hereby for us, our heirs, and ſucceſſors, grant, eſtabliſh, and ordain, that all and every of the ſubjects of us, our heirs, and ſucceſſors, which ſhall go to, and inhabit within, our ſaid province and territory, and every of their children, which ſhall happen to be born there, or on the ſeas in going thither, or returning from thence, ſhall have and enjoy all liberties and immunities of free and natural ſubjects within any of the dominions of us, our heirs, and ſucceſſors, to all intents, conſtructions, and purpoſes whatſoever, as if they and every of them were born within this our realm of England.

And for the greater eaſe and encouragement of our loving ſubjects inhabiting our ſaid province, or territory, of the Maſſachuſets-bay, and of ſuch as ſhall come to inhabit there, we do, by theſe preſents, for us, our heirs, and ſucceſſors, grant, eſtabliſh, and ordain, that for ever hereafter,

hereafter, there ſhall be a liberty of conſcience allowed in the worſhip of God to all Chriſtians (except papiſts) inhabiting, or which ſhall inhabit or be reſident, within our ſaid province, or territory. And we do hereby grant and ordain, that the Governour, or Lieutenant, or Deputy, Governour, of our ſaid province, or territory, for the time being, or either of them, or any two, or more, of the Council, or Aſſiſtants, for the ſime being, that ſhall be thereuntoappointed by the ſaid Governour, ſhall and may at all times, and from time to time hereafter, have full power and authority to adminiſter and give the oaths appointed by the ſaid act of Parliament, made in the firſt year of our reign, to be taken inſtead of the oaths of allegiance and ſupremacy, to all and every perſon and perſons which are now inhabiting or reſiding within our ſaid province or territory, or which ſhall at any time or times hereafter go or paſs thither.

Liberty of conſcience in the worſhip of God for all Chriſtians in the province, except Papiſts.

And we do, of our further grace, certain knowledge, and mere motion, grant, eſtabliſh, and ordain, for us, our heirs and ſucceſſors, that the Great and General Court, or Aſſembly, of our ſaid province, or territory, for the time being, convened as aforeſaid, ſhall for ever have full power and authority to erect and conſtitute Judicatories, and Courts of Record, or other Courts, to be held in the name of us, our heirs, and ſucceſſors, for the hearing, trying, and determining of all and all manner of crimes, offences, pleas, proceſſes, plaints, actions, matters, cauſes, and things whatſoever, ariſing or happening within our ſaid province, or territory, or between perſons inhabiting or reſiding there, whether the ſame be criminal or civil, and whether the ſaid crimes be capital or not capital, and whether the ſaid pleas be real, perſonal, or mixt; and for the awarding and making-out of execution thereupon: to which

The General Aſſembly may erect Courts of Juſtice.

Courts and Judicatories, we do hereby, for us, our heirs, and ſucceſſors, give and grant full power and authority, from time to time, to adminiſter oaths, for the better diſcovery of truth in any matter in controverſy, or depending before them.

The Governour and Council may grant probates of wills and letters of adminiſtration.

And we do, for us, our heirs, and ſucceſſors, grant, eſtabliſh, and ordain, that the Governour of our ſaid province or territory for the time being, with the Council, or Aſſiſtants, may do, execute, or perform all that is neceſſary for the probate of wills, and granting of adminiſtrations, for, touching, or concerning, any intereſt or eſtate, which any perſon or perſons ſhall have within our ſaid province, or territory.

Appeals from the courts of juſtice to the king in council.

And whereas we judge it neceſſary, that all our ſubjects ſhould have liberty to appeal to us, our heirs, and ſucceſſors, in caſes that may deſerve the ſame, we do, by theſe preſents, ordain, that in caſe either party do not reſt ſatisfied with the judgement or ſentence of any judicatories or courts within our ſaid province or territory, in any perſonal action, wherein the matter in difference doth exceed the value of three hundred pounds ſterling, that then he, or they, may appeal to us, our heirs, and ſucceſſors, in our, or their, privy-council; provided that ſuch appeal be made within fourteen days after the ſentence, or judgement, given; and that, before ſuch appeal be allowed, ſecurity be given by the party or parties appealing, in the value of the matter in difference, to pay or anſwer the debt or damages, for which the judgement, or ſentence, is given, with ſuch coſts and damages as ſhall be awarded by us, our heirs, or ſucceſſors, in caſe the judgement, or ſentence, be affirmed: and provided alſo, that no execution ſhall be ſtaid, or ſuſpended, by reaſon of ſuch appeal unto us, our heirs, and ſucceſſors, in our or their privy-council,

Conditions of ſuch appeals.

ſo

ſo as the party ſuing, or taking-out, execution do, in the like manner, give ſecurity to the value of the matter in difference, to make reſtitution, in caſe the ſaid judgement or ſentence be reverſed or annulled, upon the ſaid appeal.

The General Aſſembly may make laws,

And we do further, for us, our heirs, and ſucceſſors, give and grant to the ſaid Governour, and the Great or General Court, or Aſſembly, of our ſaid province, or territory, for the time being, full power and authority, from time to time, to make, ordain, and eſtabliſh all manner of wholeſome and reaſonable orders, laws, ſtatutes, and ordinances, directions and inſtructions, either with penalties or without (ſo as the ſame be not repugnant or contrary to the laws of this our realm of England) as they ſhall judge to be for the good and welfare of our ſaid province or territory, and for the government and ordering thereof, and of the people inhabiting, or who ſhall inhabit, the ſame, and for the neceſſary ſupport and defence of the government thereof.

under certain reſtrictions.

It has likewiſe the power of electing annually all civil officers.

And we do for us, our heirs, and ſucceſſors, give and grant, that the ſaid General Court, or Aſſembly, ſhall have full power and authority to name and ſettle, annually, all civil officers within the ſaid province, ſuch officers excepted, the election and conſtitution of whom we have, by theſe preſents, reſerved to us, our heirs, and ſucceſſors, or to the Governour of our ſaid province for the time being; and to ſet-forth the ſeveral duties, powers, and limits, of every ſuch officer to be appointed by the ſaid general court, or aſſembly, and the forms of ſuch oaths, not repugnant to the laws and ſtatutes of this our realm of England, as ſhall be reſpectively adminiſtered unto them for the execution of their ſeveral offices and places; and alſo to impoſe

And of imposing fines and other punishments; and of levying taxes.

fines, mulcts, impriſonments, and other puniſhments; and to impoſe and levy proportionable and reaſonable aſſeſſments, rates, and taxes, upon the eſtates and perſons of all and every the proprietors or inhabitants of our ſaid province or territory, to be iſſued and diſpoſed of by warrant under the hand of the Governour of our ſaid province for the time being, with the advice and conſent of the Council, for our ſervice, in the neceſſary defence and ſupport of our government of our ſaid province or territory, and the protection and preſervation of the inhabitants there, according to ſuch acts as are or ſhall be in force within our ſaid province; and to diſpoſe of matters and things, whereby our ſubjects, inhabitants of our ſaid province, may be religiouſly, peaceably, and civilly governed, protected, and defended, ſo as their good life, and orderly converſation, may win the Indians, natives of the country, to the knowledge and obedience of the only true God and Saviour of Mankind, and the Chriſtian Faith, which his late majeſty, our royal grandfather, king Charles the Firſt, in his ſaid letters patents declared was his royal intention, and the adventurers free profeſſion to be the principal end of the ſaid plantation; and for the better ſecuring and maintaining liberty of conſcience hereby granted to all perſons at any time being and reſiding within our ſaid province, or territory, as aforeſaid, willing, commanding, and requiring, and by theſe preſents, for us, our heirs, and ſucceſſors, ordaining and appointing, that all ſuch orders, law, ſtatutes and ordinances, inſtructions and directions, as ſhall be ſo made and publiſhed under our ſeal of our ſaid province or territory, ſhall be carefully and duly obſerved, kept, and performed, and put in execution, according to the true intent and meaning of theſe preſents.

Provided

Provided always, and we do, by theſe preſents, for us, our heirs, and ſucceſſors, eſtabliſh and ordain, that in the framing and paſſing of all ſuch orders, laws, ſtatutes, and ordinances, and in all elections and acts of government whatſoever, to be paſſed, made, or done, by the ſaid general Court, or Aſſembly, or Council, the Governour of our ſaid province, or territory, of the Maſſachuſets-bay in New-England, for the time being, ſhall have the negative voice; and that without his conſent or approbation, ſignified and declared in writing, no ſuch orders, laws, ſtatutes, ordinances, elections, or other acts of government whatſoever, ſo to be made, paſſed, or done, by the ſaid General Aſſembly, or in Counell, ſhall be of any force, effect, or validity; any thing herein contained to the contrary in any wiſe notwithſtanding. The Governour to have a negative voice both in the Council and Aſſembly.

And we do for us, our heirs, and ſucceſſors, eſtabliſh, and ordain, that the ſaid orders, laws, ſtatutes and ordinances, be by the firſt opportunity, after the making thereof, ſent, or tranſmitted, unto us, our heirs, and ſucceſſors, under the public ſeal to be appointed by us, for our or their approbation or diſallowance; and that in caſe all, or any of them, ſhall, at any time within the ſpace of three years next after the ſame ſhall have been preſented to us, our heirs, and ſucceſſors, in our, or their, privy-council, be diſallowed and rejected, and ſo ſignified by us, our heirs, and ſucceſſors, under our, or their, ſign-manual and ſignet, or by order in our, or their, privy-council, unto the Governour for the time being, then ſuch and ſo many of them as ſhall be ſo diſallowed and rejected, ſhall thenceforth ceaſe and determine, and become utterly void, and of none effect: Provided always, that in caſe we, our heirs, or ſucceſ- The acts of Aſſembly are to be tranſmitted to the king, to be by him approved or diſallowed.

ſors, ſhall not, within the term of three years after the preſenting of ſuch orders, laws, ſtatutes or ordinances, as aforeſaid, ſignify our or their diſallowance of the ſame, then the ſaid orders, laws, ſtatutes, or ordinances, asaforeſaid, ſhall be and continue in full force and effect, according to the true intent and meaning of the ſame, until the expiration thereof, or that the ſame ſhall be repealed by the general aſſembly of our ſaid province for the time being: Provided alſo, that it ſhall and may be lawful for the ſaid Governour and general aſſembly, to make, or paſs, any grant of lands lying within the bounds of the colonies formerly called the colonies of the Maſſachuſetts-Bay, and New-Plymouth, and province of Main, in ſuch manner as heretofore they might have done by virtue of any former charter or letters patents; which grants of lands, within the bounds aforeſaid, we do hereby will and ordain to be and continue for ever of full force and effect, without our further approbation or conſent; and ſo as nevertheleſs, and it is our royal will and pleaſure, that no grant or grants of any lands, lying or extending from the river of Sagadehock to the gulf of St. Laurence and Canada rivers, and to the main ſea northward and eaſtward, to be made, or paſſed, by the Governour and general aſſembly of our ſaid province, be of any force, validity, or effect, until we, our heirs, and ſucceſſors, ſhall have ſignified our, or their, approbation of the ſame.

Power of making grants of lands within certain bounds,

and under certain reſtrictions.

And we do by theſe preſents for us, our heirs, and ſucceſſors, grant, eſtabliſh, and ordain, that the Governour of our ſaid province, or territory, for the time being, ſhall have full power, by himſelf, or by any chief commander, or other officer or officers, to be appointed

Power to the Governour to array the militia.

appointed by him for time to time, to frame, inſtruct, exerciſe, and govern, the Militia there, and, for the ſpecial defence and ſafety of our ſaid province or territory, to aſſemble in martial array, and put in warlike poſture, the inhabitants of our ſaid province or territory, and to lead and conduct them, and with them to encounter, expulſe, repel, reſiſt, and purſue, by force of arms, as well as by ſea as by land, within or without the limits of our ſaid province or territory, and alſo to kill, ſlay, deſtroy, and conquer, by all fitting ways, enterprizes, and means whatſoever, all and every ſuch perſon or perſons as ſhall, at any time hereafter, attempt, or enterprize, the deſtruction, invaſion, detriment, or annoyance, of our ſaid province or territory; and to uſe and exerciſe the law-martial in time of actual war, invaſion, or rebellion, as occaſion ſhall neceſſarily require; and alſo from time to time to erect forts, and to fortify any place or places, within our ſaid province or territory, and the ſame to furniſh with all neceſſary ammunition, proviſions, and ſtores of war for offence or defence, and to commit from time to time the cuſtody and government of the ſame to ſuch perſon or perſons as to him ſhall ſeem meet; and the ſaid forts and fortifications to demoliſh at his pleaſure; and to take and ſurpriſe, by all ways and means whatſoever, all and every ſuch perſon or perſons, with their ſhips, arms, ammunition, and other goods, as ſhall in a hoſtile manner invade, or attempt the invading, conquering, or annoying, of our ſaid province or territory: Provided always, and we do, by theſe preſents, for us, our heirs, and ſucceſſors, grant, eſtabliſh, and ordain, that the ſaid Governour ſhall not at any time hereafter, by virtue of any power hereby granted, or hereafter to be granted, to him, tranſport any of the inhabitants of

And to employ them to repel invaſions.

And to exercise martial law in certain cases and under certain reſtrictions.

our

our ſaid province or territory, or oblige them to march out of the limits of the ſame, without their free and voluntary conſent, or the conſent of the Great and General Court, or Aſſembly, of our ſaid province or territory, nor grant commiſſions for exerciſing the law martial upon any of the inhabitants of our ſaid province or territory, without the advice and conſent of the Council, or Aſſiſtants, of the ſame.

Power of the deputy-Governour in the abſence of the Governour.

Provided in like manner, and we do by theſe preſents, for us, our heirs, and ſucceſſors, conſtitute and ordain, that when, and as often as, the Governour of our ſaid province for the time being ſhall happen to die, or be diſplaced by us, our heirs, or ſucceſſors, or be abſent from his government, that then, and in any of theſe caſes, the Lieutenant, or Deputy, Governour of our ſaid province for the time being ſhall have full power and authority to do and execute all and every ſuch acts, matters, and things, which our Governour of our ſaid province for the time being might, or could, by virtue of theſe our letters patents, lawfully do or execute, if he were perſonally preſent, until the return of the Governour ſo abſent, or the arrival, or conſtitution, of ſuch other Governour as ſhall, or may, be appointed by us, our heirs, or ſucceſſors, in his ſtead; and that, when and as often as, the Governour, and Lieutenant, or Deputy, Governour, of our ſaid province or territory, for the time being, ſhall happen to die, or be diſplaced by us, our heirs, or ſucceſſors, or be abſent from our ſaid province, and that there ſhall be no perſon within the ſaid province commiſſionated by us, our heirs, or ſucceſſors, to be Governour within the ſame, then, and in every of the ſaid caſes, the Council, or Aſſiſtants, of our ſaid province ſhall have full power and authority, and we do hereby give and grant unto the ſaid Council, or Aſſiſtants,

Power of the Council of the ſaid province in the abſence of both the Governour and Lieutenant Governour.

ants, of our ſaid province for the time being, or the major part of them, full power and authority to do and execute all and every ſuch acts, matters, and things, which the ſaid Governour, or Lieutenant, or Deputy, Governour, of our ſaid province or territory, for the time being, might or could lawfully do or exerciſe, if they, or either of them, were perſonally preſent, until the return of the Governour, or Lieutenant, or Deputy, Governour, ſo abſent, or the arrival, or conſtitution, of ſuch other Governour, or Lieutenant, or Deputy, Governour, as ſhall or may be appointed by us, our heirs, or ſucceſſors, from time to time.

The Admiralty-Court is not to be erected by any authority of the province, but either under the Great Seal of England, or the Seal of the High Admiral of England.

Provided always, and it is hereby declared, that nothing herein contained ſhall extend or be taken to erect or grant, or allow the exerciſe of any Admiralty-Court jurisdiction, power or authority, but that the ſame ſhall be and is hereby reſerved to us and our ſucceſſors, and ſhall from time to time be erected, granted and exerciſed by virtue of commiſſions to be iſſued under the Great Seal of England, or under the Seal of the High Admiral, or the Commiſſioners for executing the office of High Admiral of England.

This charter ſhall not be any hindrance to the king's ſubjects in their trade of fiſhing on the coaſts of New-England.

And further, our expreſs will and pleaſure is, and we do, by theſe preſents, for us, our heirs, and ſucceſſors, ordain and appoint, that theſe our letters patent ſhall not, in any manner, enure, or be taken, to abridge, bar, or hinder, any of our loving ſubjects whatſoever, to uſe and exerciſe the trade of fiſhing upon the coaſts of New-England, but that they, and every of them, ſhall have full and free power and liberty to continue and uſe the ſaid trade of fiſhing upon the ſaid coaſts, in any of the ſeas thereunto adjoining, or any arms of the ſaid ſeas or ſalt-water rivers, where they have been wont to fiſh; and to build and ſet-up on the lands, within our ſaid province

province or colony, lying waſte, and not then poſſeſſed by particular proprietors, ſuch wharfs, ſtages, and work-houſes, as ſhall be neceſſary for the ſalting, drying, keeping, and packing of their fiſh, to be taken or gotten upon that coaſt, and to cut-down and take ſuch trees and other materials there growing, or being, upon any parts or places lying waſte, and not then in poſſeſſion of particular proprietors, as ſhall be needful for that purpoſe, and for all other neceſſary eaſements, helps, and advantages, concerning the ſaid trade of fiſhing there, in ſuch manner and form as they have been heretofore at any time accuſtomed to do, without making any wilful waſte or ſpoil; any thing in theſe preſents contained to the contrary notwithſtanding.

A reservation of large trees for the use of the navy.

And laſtly, for the better providing and furniſhing of maſts for our royal navy, we do hereby reſerve to us, our heirs, and ſucceſſors, all trees of the diameter of twenty-four inches, and upwards of twelve inches from the ground, growing upon any ſoil, or tract of land, within our ſaid province or territory, not heretofore granted to any private perſons; and we do reſtrain and forbid all perſons whatſoever from felling, cutting, or deſtroying any ſuch trees without the royal licenſe of us, our heirs and ſucceſſors, firſt had and obtained, upon penalty of forfeiting one hundred pounds ſterling unto us, our heirs, and ſucceſſors, for every ſuch tree ſo felled, cut, or deſtroyed, without ſuch licenſe had and obtained in that behalf; any thing in theſe preſents contained to the contrary in any wiſe notwithſtanding. In witneſs, &c. Witneſs ourſelves at Weſtminſter the ſeventh day of October.

By Writ of Privy Seal.

THE

THE

VOTES AND PROCEEDINGS

OF THE

FREEHOLDERS AND OTHER INHABITANTS

OF THE

TOWN OF BOSTON,

IN TOWN MEETING ASSEMBLED, ACCORDING TO LAW.

[PUBLISHED BY ORDER OF THE TOWN.]

To which is prefixed, as Introductory,

AN ATTESTED COPY OF A VOTE OF THE TOWN AT A PRECEDING MEETING.

THE WHOLE CONTAINING A PARTICULAR ENUMERATION OF THOSE GRIEVANCES THAT HAVE GIVEN RISE TO THE PRESENT ALARMING DISCONTENTS IN AMERICA.

[Boston printed, London reprinted, 1773.]

PREFACE OF THE BRITISH EDITOR

ALL accounts of the diſcontent ſo general in our colonies, have of late years been induſtriouſly ſmothered, and concealed here; it ſeeming to ſuit the views of the American miniſter *, to have it underſtood, that by his great abilities all faction was ſubdued, all oppoſition ſuppreſſed, and the whole country quieted. — That the true ſtate of affairs there may be known, aud the true cauſes of that diſcontent well underſtood, the following piece (not the production of a private writer, but the unanimous act of a large American city) lately printed in New-England, is republiſhed here.

* The Earl of Hillsborough.

This

This nation, and the other nations of Europe, may thereby learn with more certainty the grounds of a diſſenſion, that poſſibly may, ſooner or later, have conſequences intereſting to them all.

The colonies had, from their firſt ſettlement, been governed with more eaſe than perhaps can be equalled by any inſtance in hiſtory, of dominions ſo diſtant. Their affection and reſpect for this country, while they were treated with kindneſs, produced an almoſt implicit obedience to the inſtructions of the prince, and even to acts of the Britiſh parliament, though the right of binding them by a legiſlature in which they were unrepreſented, was never clearly underſtood. That reſpect and affection produced a partiality in favour of every thing that was Engliſh; whence their preference of Engliſh modes and manufactures; their ſubmiſſion to reſtraints on the importation of foreign goods, which they had but little deſire to uſe; and the monopoly we ſo long enjoyed of their commerce, to the great enriching of our merchants and artificers. The miſtaken policy of the ſtamp-act firſt diſturbed this happy ſituation; but the flame thereby raiſed was ſoon extinguiſhed by its repeal, and the old harmony reſtored, with all its concomitant advantages to our commerce. The ſubſequent act of another adminiſtration*, which, not content with an eſtabliſhed excluſion of foreign manufactures, began to make our own merchandize dearer to the conſumers there by heavy duties, revived it again: and combinations were entered into throughout the Continent, to ſtop trading with Britain till thoſe duties ſhould be repealed. All were accordingly repealed but one, the duty on tea. This was reſerved profeſſedly as a ſtanding claim and exerciſe of the right aſſumed by parliament of laying ſuch duties. The colonies, on this

* That of the Duke of Grafton, as First Lord of the Treasury, and Mr. Charles Townshend (brother to General Lord Viscount Townshend,) as Chancellor of the Exchequer.

repeal,

repeal, retracted their agreement, ſo far as related to all other goods except that on which the duty was retained. This was trumpeted *here* by the miniſter for the colonies as a triumph; *there* it was conſidered only as a decent and equitable meaſure, ſhowing a willingneſs to *meet* the mother country in every advance towards a reconciliation. And the diſpoſition to a good underſtanding was ſo prevalent, that poſſibly they might ſoon have relaxed in the article of tea alſo. But the ſyſtem of commiſſioners of cuſtoms, officers without end, with fleets and armies for collecting and enforcing thoſe duties, being continued, and acting with much indiſcretion and raſhneſs, giving great and unneceſſary trouble and obſtruction to buſineſs, commencing unjuſt and vexatious ſuits, and haraſſing commerce in all its branches, while that miniſter kept the people in a conſtant ſtate of irritation by inſtructions which appeared to have no other end than the gratifying his private reſentments*, occaſioned a perſevering adherence to their reſolution in that particular: and the event ſhould be a leſſon to miniſters, not to riſque, through pique, the obſtructing any one branch of trade, ſince the courſe and connection of general buſineſs may be thereby diſturbed to a degree impoſſible to be foreſeen or imagined. For it appears, that the colonies, finding their humble petitions to have this duty repealed, were rejected and treated with contempt, and that the produce of the duty was applied to the rewarding with undeſerved ſalaries and penſions every one of their enemies, the duty itſelf became more odious, and their reſolution to ſtarve it more vigorous and obſtinate. The Dutch, the Danes and French, took the advantage thus offered them by our imprudence, and began to ſmuggle their teas into the plantations. At

* Some of his circular letters had been criticiſed and expoſed by one or two of the American aſſemblies.

firſt

firſt this was ſomewhat difficult; but at length, as all buſineſs improves by practice, it became eaſy. A coaſt 1500 miles in length, could not in all parts be guarded, even by the whole navy of England, eſpecially where the reſtraining authority was by all the inhabitants deemed unconſtitutional, and ſmuggling of courſe conſidered as patriotiſm. The needy wretches too, who, with ſmall ſalaries, were truſted to watch the ports day and night, in all weathers, found it eaſier and more profitable, not only to *wink*, but to ſleep in their beds, the merchant's pay being more generous than the king's. Other India goods alſo, which by themſelves would not have made a ſmuggling voyage ſufficiently profitable, accompanied tea to advantage; and it is feared the cheap French ſilks formerly rejected as not to the taſte of the coloniſts, may have found their way with the wares of India, and now eſtabliſhed themſelves in the popular uſe and opinion. It is ſuppoſed that at leaſt a million of Americans drink tea twice a day, which, at the firſt coſt here, can ſcarce be reckoned at leſs than half a guinea a head *per annum*. This market, that in the five years which have run-on ſince the act paſſed, would have paid 2,500,000 guineas *for tea alone*, into the coffers of the company, we have wantonly loſt to foreigners. Meanwhile it is ſaid the duties have ſo diminiſhed, that the whole remittance of the laſt year amounted to no more than the pitiful ſum of 85 pounds for the expence of ſome hundred thouſands in armed ſhips and ſoldiers to ſupport the officers. Hence the tea and other India goods that might have been ſold in America, remain rotting in the company's warehouſes, while thoſe of foreign ports are known to be cleared by the American demand. Hence, in ſome degree, the company's inability to pay their bills, the ſinking of their ſtock, by which millions of property have been annihilated; the lowering of thei dividend, whereby ſo many muſt be diſtreſſed; the loſs to government

vernment of the ſtipulated 400,000 pounds a year, which muſt make a proportionable reduction in our ſavings towards the diſcharge of our enormous debt; and hence in part the ſevere blow ſuffered by credit in general, to the ruin of many families; the ſtagnation of buſineſs in Spital-Fields and at Mancheſter, through want of vent for their goods; with other future evils, which, as they cannot, from the numerous and ſecret connections in general commerce, eaſily be foreſeen, can hardly be avoided.*

At a Meeting of the Freeholders and other Inhabitants of the Town of Boston, duly warned, and legally assembled, in Faneuil-Hall, on Wednesday the 28th of October, 1772; and from thence continued by Adjournments to Monday the 2d of November following;

It was moved,

THAT a Committee of Correſpondence be appointed, to conſiſt of twenty-one perſons, "to ſtate the rights of the Coloniſts, and of this province in particular, as Men, as Chriſtians, and as Subjects; to communicate and publiſh the ſame to the ſeveral towns in this province, and to the world, as the ſenſe of this town, with the infringements and violations thereof, that have been, or from time to time may be, made; alſo requeſting of each town a free communication of their ſentiments on this ſubject."

Whereupon the following gentlemen were nominated and appointed for the purpoſes aforeſaid, to make report to

* This Preface of the British Editor to the second edition of this pamphlet, at London in the year 1773, was probably written by the celebrated Dr. Benjamin Franklin, who was then in England, and did not go to North America till April, 1774.

the town as ſoon as may be, viz. The Hon. James Otis, Eſq.; Mr. Samuel Adams, Dr. Joſeph Warren, Dr. Benjamin Church, Mr. William Dennie, Mr. William Greenleaf, Joſeph Greenleaf, Eſq.; Dr. Thomas Young, Mr. William Powell, Mr. Nathaniel Appleton, Mr. Oliver Wendell, Mr. John Sweetſer, Joſiah Quincy, Eſq.; Capt. John Bradford, Richard Boynton, Eſq.; Captain William Mackay, Major Nathaniel Barber, Deacon Caleb Davis, Mr. Alexander Hill, Mr. William Molineux, and Mr. Robert Pierpont.

A true Copy.

Atteſt.

WILLIAM COOPER, Town Clerk.

At a Meeting of the Freeholders and other Inhabitants of the Town of Boston, duly warned and assembled in Faneuil-Hall according to Law on Friday, the 20th of November, 1772; then and there to receive and act upon the Report of a Committee appointed at a former Meeting on the 2d of the same Month, and such other Things as might properly come under the Consideration of the Town.

The Honorable John Hancock, Eſq. being unanimouſly choſen Moderator, the Chairman of the ſaid Committee acquainted him that he was ready to make Report, and read the ſame, as follows:

The Committee appointed by the Town, the 2d inſtant, "to ſtate the rights of the Coloniſts, and of this province in particular, as Men, as Chriſtians, and as Subjects; to communicate

communicate and publiſh the ſame to the ſeveral towns in this province and to the world, as the ſenſe of this town, with the infringements and violations thereof, that have been, or from time to time may be made: alſo requeſting of each town a free communication of their ſentiments on this ſubject," beg leave to report:

Firſt, A State of the Rights of the Coloniſts, and of this Province in particular.

Secondly, A Liſt of the Infringements and Violations of thoſe Rights.

Thirdly, A Letter of Correſpondence with the other Towns.

I. *Natural Rights of the Coloniſts as Men.*

Among the natural rights of the Coloniſts are theſe: Firſt, a right to *life*; ſecondly, to *liberty*; thirdly, to *property*; together with the right to ſupport and defend them in the beſt manner they can. Theſe are evident branches of, rather than deductions from, the duty of ſelf-preſervation, commonly called the firſt law of nature.

All men have a right to remain in a ſtate of nature as long as they pleaſe: and in caſe of intolerable oppreſſion, civil or religious, to leave the ſociety they belong to, and enter into another.

When men enter into ſociety, it is by voluntary conſent; and they have a right to demand and inſiſt upon the performance of ſuch conditions and previous limitations as form an equitable *original compact*.

Every natural right, not expreſsly given-up, or, from the nature of a ſocial compact, neceſſarily ceded, remains.

All poſitive and civil laws ſhould conform, as far as poſſible, to the law of natural reaſon and equity.

As neither reaſon requires, nor religion permits, the contrary, every man living in, or out of, a ſtate of civil ſociety, has a right peaceably and quietly to worſhip God, according to the dictates of his conſcience.

"*Juſt and true liberty, equal and impartial liberty*" in matters ſpiritual and temporal, is a thing that all men are clearly entitled-to, by the eternal and immutable laws of God and nature, as well as by the law of nations, and all well-grounded municipal laws, which muſt have their foundation in the former.

In regard to religion, mutual toleration in the different profeſſions thereof, is what all good and candid minds in all ages have ever practiſed; and both by precept and example inculcated on mankind: and it is now generally agreed among Chriſtians, that this ſpirit of toleration, in the fulleſt extent, conſiſtent with the being of civil ſociety, "is the chief characteriſtical mark of the true church*." Inſomuch that Mr. Locke has aſſerted, and proved beyond the poſſibility of contradiction on any ſolid ground, that ſuch toleration ought to be extended to all whoſe doctrines are not ſubverſive of ſociety. The only ſects which he thinks ought to be, and which by all wiſe laws are, excluded from ſuch toleration, are thoſe who teach doctrines ſubverſive of the civil government under which they live. The Roman Catholicks, or Papiſts, are excluded, by reaſon of ſuch doctrines as theſe, "that princes excommunicated may be depoſed, and thoſe they call *hereticks* may be deſtroyed without mercy;" beſides their recognizing the Pope in ſo abſolute a manner, in ſubverſion of government, by introducing, as far poſſible, into the ſtates, under whoſe protection they enjoy life, liberty, and property, that ſoleciſm in politicks

* See Locke's Letters on Toleration,

imperium

*imperium in imperio**, leading directly to the worſt anarchy and confuſion, civil diſcord, war, and bloodſhed.

The natural liberty of man, by entering into ſociety, is abridged or reſtrained ſo far only as is neceſſary for the great end of ſociety, the beſt good of the whole.

In the ſtate of nature, every man is, under God, judge, and ſole judge, of his own rights, and of the injuries done him: by entering into ſociety, he agrees to an *arbiter*, or indifferent judge, between him and his neighbours; but he no more renounces his original right, than by taking a cauſe out of the ordinary courſe of law, and leaving the deciſion to referees, or indifferent arbitrators. In the laſt caſe he muſt pay the referees for time and trouble; he ſhould alſo be willing to pay his juſt quota for the ſupport of government, the law, and the conſtitution; the end of which is to furniſh indifferent and impartial judges in all caſes which may happen, whether civil, eccleſiaſtical, marine, or military.

"The *natural* liberty of man is to be free from any ſuperiour power on earth, and not to be under the will, or legiſlative authority, of man; but only to have the law of nature for his rule†."

In the ſtate of nature, men may, as the *Patriarchs* did, employ hired ſervants for the defence of their lives, liberties, and property; and they ſhould pay them reaſonable wages. *Government* was inſtituted for the purpoſes of common defence; and thoſe who hold the reins of government have an equitable natural right to an honourable ſupport from the ſame principle "that the labourer is worthy of his hire:" but then the ſame community which they ſerve, ought to be the aſſeſſors of their pay: governours have no

* A government within a government.

† Locke on Government.

right to ſeek and take what they pleaſe; by this, inſtead of being content with the ſtation aſſigned them, that of honourable ſervants of the ſociety, they would ſoon become abſolute *maſters*, *deſpots*, and *tyrants*. Hence as a private man has a right to ſay, what wages he will give in his private affairs, ſo has a community to determine what *they* will give and grant of their ſubſtance, for the adminiſtration of publick affairs. And in both caſes, more are ready generally to offer their ſervice at the propoſed and ſtipulated price, than are able and willing to perform their duty.

In ſhort, it is the greateſt abſurdity to ſuppoſe it in the power of one, or any number of men, at the entering into ſociety, to renounce their eſſential natural rights, or the means of preſerving thoſe rights; when the grand end of civil government, from the very nature of its inſtitution, is for the ſupport, protection, and defence of thoſe very rights, the principal of which, as is before obſerved, are *life*, *liberty*, and *property*. If men, through fear, fraud, or miſtake, ſhould *in terms* renounce, or give-up, any eſſential natural right, the eternal law of reaſon and the grand end of ſociety, would abſolutely vacate ſuch renunciation; the right to freedom being *the gift of God Almighty*, it is not in the power of man to alienate this gift, and voluntarily become a ſlave.

II. *The Rights of the Coloniſts as Chriſtians.*

Theſe may be beſt underſtood by reading and carefully ſtudying the inſtitutes of the great lawgiver and head of the Chriſtian Church, which are to be found clearly written and promulgated in the *New-Teſtament*.

By the act of the Britiſh Parliament commonly called *The toleration-act*, every ſubject in England, except Papiſts, &c. was reſtored to, and re-eſtabliſhed in, his natural right to

to worſhip GOD according to the dictates of his own conſcience. And by the charter of this province, it is granted, ordained and eſtabliſhed (that is, declared as an original right) that there ſhall be liberty of conſcience allowed in the worſhip of GOD, to all Chriſtians except Papiſts, inhabiting, or which ſhall inhabit or be reſident within the ſaid province or territory*. Magna Charta itſelf is in ſubſtance but a conſtrained declaration, or proclamation and promulgation, in the name of King, Lords and Commons, of the ſenſe the latter had, of their original, inherent, indefeaſible natural rights;† as alſo thoſe of free citizens, equally perdurable with the other. That great author, that great juriſt, and even that court writer, Mr. Juſtice *Blackſtone*, holds, that this recognition was juſtly obtained of King John ſword-in-hand; and peradventure it muſt be one day ſword-in-hand again reſcued and preſerved from total deſtruction and oblivion.

III. *The Rights of the Coloniſts as Subjects.*

A Commonwealth, or State, is a body politick, or civil ſociety of men, united together to promote their mutual ſafety and proſperity, by means of their Union‡.

The *abſolute rights* of Engliſhmen, and all freemen in, or out of, civil society, are principally, *perſonal ſecurity*, *perſonal liberty* and *private property*.

All perſons born in the Britiſh American colonies, are, by the laws of God and nature, and by the common law of England, *excluſive of all charters* from *the Crown*, well entitled, and by acts of the Britiſh Parliament are declared to

* See 1 Wm. and Mary, St. 2. C. 18. and Maſſachuſetts Charter, in the third year of William and Mary. See above, page 115.

† Lord Coke's Inſt. Blackſtone's Commentaries, V. 1. pa. 122. the Bill of Rights and the Act of Settlement.

‡ See Locke and Vattel.

be entitled, to all the natural, eſſential, inherent and inſeparable rights, liberties and privileges of ſubjects born in Grea Britain, or within the realm. Among thoſe rights are the following; which no man, or body of men, conſiſtently with their own rights as men and citizens, or members of ſociety, can for themſelves give-up, or take-away from others.

Firſt, "The firſt fundamental poſitive law of all Commonwealths or States, is the eſtabliſhing the legiſlative power: As the firſt fundamental *natural* law alſo, which is to govern even the legiſlative power itſelf, is the preſervation of the society."*

Secondly, The legiſlative has no right to abſolute, arbitrary, power over the lives and fortunes of the people: Nor can mortals aſſume a prerogative, not only too high for men, but for angels; and therefore reſerved for the exerciſe of the *Deity* alone.

"The legiſlative cannot juſtly *aſſume* to itſelf a power to rule by *extempore*, arbitrary, decrees; but it is bound to ſee that juſtice is diſpenſed, and that the rights of the ſubjects be decided, by promulgated, ſtanding, and known, laws, and authorized *independent Judges*;" that is, independent, as far as poſſible, of prince and people. "*There ſhould be one rule of Juſtice for rich and poor; for the favourite at court, and the countryman at the plough.*"†

Thirdly, The ſupreme power cannot juſtly take from any man, any part of his property without his conſent, in perſon or by his repreſentative.

Theſe are ſome of the firſt principles of natural law and juſtice, and the great barriers of all free ſtates, and of the Britiſh conſtitution in particular. It is utterly irreconcileable

* Locke on Government Salus Populi ſuprema Lex eſto.
† Locke.

to

to theſe principles, and to many other fundamental maxims of the common law, common ſenſe, and reaſon, that a Britiſh Houſe of Commons ſhould have a right, at pleaſure, to give and grant the property of the coloniſts. That theſe coloniſts are well entitled to all the eſſential rights, liberties, and privileges of men and freemen, born in Britain, is manifeſt, not only from the colony-charters in general, but from acts of the Britiſh parliament. The ſtatute of the 13th of Geo. II. c. 7. naturalizes even foreigners after ſeven years reſidence. The words of the Maſſachuſetts-Charter are theſe; "And further our will and pleaſure is, and we do hereby for us, our heirs, and ſucceſſors, grant, eſtabliſh, and ordain, that all and every of the ſubjects of us, our heirs, and ſucceſſors, which ſhall go to, and inhabit within, our ſaid province or territory, and every of their children which ſhall happen to be born there, or on the ſeas in going thither, or returning from thence, ſhall have and enjoy all liberties and immunities of free and natural ſubjects within any of the dominions of us, our heirs, and ſucceſſors, to all intents, conſtructions, and purpoſes whatſoever, as if they, and every of them, were born within this our realm of England." Now what liberty can there be, where property is taken-away without conſent? Can it be ſaid with any colour of truth and juſtice, that this continent of three thouſand miles in length, and of a breadth as yet unexplored, in which however, it is ſuppoſed, there are five millions of people, has the leaſt voice, vote, or influence in the deciſions of the Britiſh parliament? Have they, all together, any more right or power to return a ſingle member to that Houſe of Commons, who have (not inadvertently, but deliberately) aſſumed a power to diſpoſe of their lives*, liberties and properties, than to chooſe an Emperor of China?

*See the Act of the laſt Seſſion relating to the King's dock-yards.

Had

Had the coloniſts a right to return members to the Britiſh Parliament, it would only be hurtful; as from their local ſituation and circumſtances, it is impoſſible they ſhould be ever truly and properly repreſented there. The inhabitants of this country, in all probability, in a few years, will be more numerous than thoſe of Great Britain and Ireland together: Yet it is abſurdly expected, by the promoters of the preſent meaſures, that theſe, with their poſterity to all generations, ſhould be eaſy, while their property ſhall be diſpoſed-of by a Houſe of Commons at three thouſand miles diſtance from them; and who cannot be ſuppoſed to have the leaſt care or concern for their real intereſt: who have not only no natural care for their intereſt, but muſt be *in effect* bribed againſt it; as every burden they lay on the Coloniſts is ſo much ſaved or gained to themſelves. Hitherto many of the coloniſts have been free from quit-rents; but, if the breath of a Britiſh Houſe of Commons can originate an act for taking-away all our money, our lands will go next, or be ſubject to rack-rents from haughty and relentleſs landlords, who will ride at eaſe, while we are trodden in the dirt. The Coloniſts have been branded with the odious names of traitors and rebels only for complaining of their grievances: How long ſuch treatment will, or ought to be born, is ſubmitted.

A Liſt of Infringements and Violations of Rights.

We cannot help thinking, that an enumeration of ſome of the moſt open infringements of our rights, will by every candid perſon be judged ſufficient to juſtify whatever meaſures have been already taken, or may be thought proper to be taken, in order to obtain a redreſs of the grievances under which we labour. Among many others, we humbly con-

conceive, that the following will not fail to excite the attention of all who conſider themſelves intereſted in the happineſs and freedom of mankind in general, and of this continent and province in particular.

1ſt. The Britiſh Parliament have aſſumed the powers of legiſlation for the coloniſts in all caſes whatſoever, without obtaining the conſent of the inhabitants, which is ever eſſentially neceſſary to the rightful eſtabliſhment of ſuch a legiſlative.

2dly. They have exerted that aſſumed power, in raiſing a revenue in the colonies without their conſent; thereby depriving them of that right which every man has to keep his own earnings in his own hands until he ſhall, in perſon, or by his repreſentative, think fit to part with the whole or any portion of it. This infringement is the more extraordinary, when we conſider the laudable care which the Britiſh Houſe of Commons have taken, to reſerve entirely and abſolutely to themſelves the powers of giving and granting money. They not only inſiſt on originating every money-bill in their houſe, but will not even allow the Houſe of Lords to make an amendment in theſe bills; ſo tenacious are they of this privilege, ſo jealous of any infringement of the ſole and abſolute right the people have to diſpoſe of their own money; and what renders this infringement the more grievous is, that what of our earnings ſtill remains in our hands, is in a great meaſure deprived of its value, ſo long as the Britiſh Parliament continue to claim and exerciſe this power of taxing us; for we cannot juſtly call that *our* property, which *others* may, when they pleaſe, take-away from us againſt our will.

In this reſpect we are treated with leſs decency and regard than the Romans ſhowed even to the provinces which they had conquered. *They* only determined upon the ſum which each

each ſhould furniſh, and left every province to raiſe it in the manner moſt eaſy and convenient to themſelves.

3dly. A number of new officers, unknown in the charter of this province, have been appointed to ſuperintend this revenue; whereas by our charter, the Great and General Court, or Aſſembly, of this province, has the ſole right of appointing all civil officers, excepting only ſuch officers, the election and conſtitution of whom is, in ſaid charters, expreſsly excepted; among whom theſe officers are not included.

4thly. Theſe officers are by their commiſſions inveſted with powers altogether unconſtitutional, and entirely deſtructive to that ſecurity which we have a right to enjoy; and to the laſt degree dangerous, not only to our property, but to our lives: for the commiſſioners of his Majeſty's cuſtoms in America, or any three of them, are by their commiſſion empowered, "by writing under their hands and ſeals, to conſtitute and appoint inferiour officers in all and ſingular the ports within the limits of their commiſſions." Each of theſe petty officers ſo made is intruſted with power more abſolute and arbitrary than ought to be lodged in the hands of any man, or body of men, whatſoever; for in the commiſſion aforementioned, his Majeſty gives and grants unto his ſaid commiſſioners, or any three of them, and to all and every the collectors, deputy-collectors, miniſters, ſervants, and all other officers ſerving and attending in all and every the ports and other places within the limits of their commiſſion, full power and authority, from time to time, at their, or any of their, wills and pleaſures, as well by night as by day, to enter and go on board any ſhip, boat, or other veſſel, riding, lying, or being within, or coming into, any port, harbour, creek, or haven, within the limits of their commiſſion; and alſo in the day-time to go into

into any houſe, ſhop, cellar, or any other place, where any goods, wares, or merchandizes lie concealed, or are *ſuſpected* to lie concealed, whereof the cuſtoms and other duties, have not been, or ſhall not be, duly paid and truly ſatisfied, anſwered, or paid unto the collectors, deputy-collectors, miniſters, ſervants, and other officers reſpectively, or otherwiſe agreed for; and the ſaid houſe, ſhop, warehouſe, cellar, and other place, to ſearch and ſurvey, and all and every the boxes, trunks, cheſts and packs then and there found to break-open."

Thus our houſes, and even our bed-chambers, are expoſed to be ranſacked, our boxes, trunks, and cheſts broke-open, ravaged, and plundered, by wretches, whom no prudent man would venture to employ even as menial ſervants, whenever they are pleaſed to ſay they *ſuſpect* there are in the houſe, wares, &c. for which the duties have not been paid. Flagrant inſtances of the wanton exerciſe of this power have frequently happened in this and other ſea-port towns. By this we are cut-off from that domeſtick ſecurity which renders the lives of the moſt unhappy in ſome meaſure agreeable. Theſe officers may, under colour of law, and the cloak of a general warrant, break through the ſacred rights of the *domicil*, ranſack men's houſes, deſtroy their ſecurities, carry-off their property, and, with little danger to themſelves, commit the moſt horrid murders.

And we complain of it as a further grievance, that notwithſtanding by the charter of this province, the Governour and the Great and General Court, or Aſſembly of this province or territory, for the time being, ſhall have full power and authority, from time to time, to make, ordain, and eſtabliſh all manner of wholeſome and eaſonable laws, orders, ſtatutes, and ordinances, directions and inſtructions, and that, if the ſame ſhall not within the term of three years

years after preſenting the ſame to his Majeſty in privy-council, be diſallowed, they ſhall be and continue in full force and effect, until the ſame ſhall be repealed by the Great and General Aſſembly of this province: yet the parliament of Great-Britain have rendered, or attempted to render, null and void, a law of this province, made and paſſed in the reign of his late Majeſty George the Firſt, entitled, "An act ſtating the fees of the cuſtom-houſe officers within this province;" and, by mere dint of power, in violation of the charter aforeſaid, eſtabliſhed other and exorbitant fees, for the ſame officers; any law of the province to the contrary notwithſtanding.

5thly. Fleets and armies have been introduced to ſupport theſe unconſtitutional officers in collecting and managing this unconſtitutional revenue; and troops have been quartered in this metropolis for that purpoſe. Introducing and quartering ſtanding armies in a free country in times of peace, without the conſent of the people either by themſelves or by their repreſentatives, is, and always has been deemed, a violation of their rights as freemen; and of the charter, or compact made between the king of Great Britain and the people of this province, whereby all the rights of Britiſh ſubjects are confirmed to us.

6thly. The revenue ariſing from this tax, unconſtitutionally laid, and committed to the management of perſons arbitrarily appointed and ſupported by an armed force quartered in a free city, has been in part applied to the moſt deſtructive purpoſes. It is abſolutely neceſſary in a mixt government, like that of this province, that a due proportion, or balance of power, ſhould be eſtabliſhed among the ſeveral branches of the legiſlative. Our anceſtors received from King William and Queen Mary a charter, by which it was underſtood by both parties in the contract, that ſuch a pro-

a proportion, or balance, was fixed; and therefore every thing which renders any one branch of the legiſlative more independent of the other two than it was originally deſigned, is an alteration of the conſtitution as ſettled by the charter; and, as it has been, until the eſtabliſhment of this revenue, the conſtant practice of the general aſſembly to provide for the ſupport of government, ſo it is an eſſential part of our conſtitution, as it is a neceſſary means of preſerving an *equilibrium*, without which we cannot continue a free ſtate.

In particular it has always been held, that the dependance of the Governour of this province upon the General Aſſembly for his ſupport, was neceſſary for the preſervation of this *equilibrium*; nevertheleſs his Majeſty has been pleaſed to apply fifteen hundred pounds ſterling annually, out of the American revenue, for the ſupport of the Governour of this province independent of the aſſembly; whereby the ancient connection between him and his people is weakened, the confidence in the Governour leſſened, the equilibrium deſtroyed, and the conſtitution eſſentially altered.

And we look upon it as highly probable, from the beſt intelligence we have been able to obtain, that not only our Governour and Lieutenant-governour, but the Judges of the ſuperiour court of judicature, as alſo the King's Attorney and Solicitor-general, are to receive their ſupport from this grievous tribute. This will, if accompliſhed, compleat our ſlavery: for, if taxes are to be raiſed from us by the parliament of Great Britain without our conſent, and the men on whoſe opinions and deciſions our properties, liberties, and lives, in a great meaſure depend, receive their ſupport from the revenue ariſing from theſe taxes, we cannot, when we think on the depravity of mankind, avoid looking with horror on the danger to which we are expoſed! The Britiſh parliament have ſhown their wiſdom in making the judges

judges there as independent as poſſible both on the prince and people, both for place and ſupport; but our judges hold their commiſſions only during pleaſure; the granting them ſalaries out of this revenue is rendering them dependant on the crown for their ſupport. The King, upon his firſt acceſſion to the throne, for giving the laſt hand to the independency of the judges in England, not only upon himſelf but his ſucceſſors, by recommending and conſenting to an act of parliament, by which the judges are continued in office, notwithſtanding the demiſe of the King, (which vacates all other commiſſions,) was applauded by the whole nation. How alarming therefore muſt it be to the inhabitants of this province, to find ſo wide a difference made between the ſubjects in Britain and in America, as the rendering the judges here altogether dependant on the Crown for their ſupport.

7thly. We find ourſelves greatly oppreſſed by inſtructions ſent to our Governour from the court of Great Britain; whereby the firſt branch of our legiſlature is made merely a miniſterial engine. And the province has already felt ſuch effects from theſe inſtructions as, we think, juſtly entitle us to ſay, that they threaten an entire deſtruction of our liberties; and muſt ſoon, if not checked, render every branch of our government a uſeleſs burthen upon the people. We ſhall point out ſome of the alarming effects of theſe inſtructions which have already taken place.

In conſequence of inſtructions, the Governour has called and adjourned our General Aſſemblies to a place highly inconvenient to the members, and greatly diſadvantageous to the intereſt of the province, even againſt his own declared intention.

In conſequence of inſtructions, the Aſſembly has been prorogued from time to time, when the important concerns of the province required their meeting.

In

In obedience to Inſtructions the General Aſſembly was, Anno 1768, diſſolved by Governour Bernard, becauſe they would not conſent to *rejcind* the reſolution of a *former* houſe, and thereby ſacrifice the rights of their conſtituents.

By an Inſtruction, the honourable his Majeſty's Council are forbid to meet and tranſact matters of publick concern, as a Council of advice to the Governour, unleſs called by the Governour; and if they ſhould, from a zealous regard to the intereſt of the province, ſo meet at any time, the Governour is ordered to negative them at the next election of Councellors. And, although, by the charter of this province, the Great and General Court have full power and authority to impoſe taxes upon the eſtates and perſons of all and every the proprietors and inhabitants of this province, yet the Governour has been forbidden to give his conſent to an act impoſing a tax for the neceſſary ſupport of Government, unleſs ſuch perſons, as were pointed-out in the ſaid Inſtruction, were exempted from paying their juſt proportion of the ſaid tax.

His Excellency has alſo pleaded Inſtructions for giving-up the provincial fortreſs, Caſtle-William, into the hands of troops, over whom he had declared he had no controul; (and that at a time when they were menacing the ſlaughter of the inhabitants of the town, and our ſtreets were ſtained with blood which they had barbarouſly ſhed.) Thus our Governour, appointed and paid from Great-Britain with money forced from us, is made an inſtrument of totally preventing, or at leaſt of rendering futile, every attempt of the other two branches of our Legiſlative in favour of the diſtreſſed and wronged people: and, leſt the complaints, naturally occaſioned by ſuch oppreſſion, ſhould excite compaſſion in the royal breaſt, and induce his Majeſty ſeriouſly to ſet-about relieving us from the cruel

bondage and inſults which we, his loyal ſubjects, have ſo long ſuffered, the Governour is forbidden to conſent to the payment of an Agent to repreſent our grievances at the Court of Great-Britain, unleſs he, the Governour, conſent to his election; and we very well know what *the man muſt be* to whoſe appointment a Governour, in ſuch circumſtances, will conſent.

While we are mentioning the infringements of the rights of this colony in particular by means of Inſtructions, we cannot help calling to remembrance the late unexampled ſuſpenſion of the legiſlative of a ſiſter colony, *New-York*, by force of an Inſtruction, until they ſhould comply with an arbitrary act of the Britiſh parliament, for quartering troops, deſigned, by military execution, to enforce the raiſing of a tribute.

8thly. The extending the power of the Courts of Vice-Admiralty to ſo enormous a degree, as deprives the people in the colonies, in a great meaſure, of their ineſtimable rights to trials *by Juries*; which has ever been juſtly conſidered as the grand bulwark and ſecurity of Engliſh property.

This alone is ſufficient to rouſe our jealouſy; and we are again obliged to take notice of the remarkable contraſt, which the Britiſh parliament have been pleaſed to exhibit between the ſubjects in Great-Britain and the colonies. In the ſame ſtatute, by which they give-up to the deciſion of one dependant intereſted Judge of Admiralty the eſtates and properties of the coloniſts, they expreſsly guard the eſtates and properties of the people of Great-Britain: for all forfeitures and penalties inflicted by the ſtatute of the fourth of George the third, or any other act of parliament relative to the trade of the colonies, may be ſued-for in any Court of Admiralty in the colonies; but all penalties and forfeitures which ſhall be incurred in Great-Britain, may

be

be ſued for in any of his Majeſty's Courts of Record in Weſtminſter, or in the Court of Exchequer in Scotland, reſpectively. Thus our birth-rights are taken from us; and that too with every mark of indignity, inſult and contempt. We may be haraſſed and dragged from one part of the Continent to the other, (which ſome of our brethren here and in the country-towns already have been) and finally be deprived of our whole property, by the arbitrary determination of one biaſſed, capricious, Judge of the Admiralty.

9thly. The reſtraining us from erecting ſlitting-mills for manufacturing our iron, the natural produce of this country, is an infringement of that right with which God and nature have inveſted us, to make uſe of our ſkill and induſtry in procuring the neceſſaries and conveniencies of life. And we look upon the reſtraint, laid upon the manufacture and tranſportation of hats, to be altogether unreaſonable and grievous. Although, by the charter, all havens, rivers, ports, waters, &c. are expreſsly granted the inhabitants of the province and their ſucceſſors, to their only proper uſe and behoof for ever, yet the Britiſh parliament paſſed an act, whereby they reſtrain us from carrying our wool, the produce of our own farms, even over a ferry; whereby the inhabitants have often been put to the expence of carrying a bag of wool near an hundred miles by land, when paſſing over a river or water of one quarter of a mile, of which the province are the abſolute proprietors, would have prevented all that trouble.

10thly. The act paſſed in the laſt ſeſſion of the Britiſh parliament, intituled, *an act for the better preſerving his Majeſty's Dock-Yards, Magazines, Ships, Ammunition, and Stores*, is, as we apprehend, a violent infringement of our rights. By this act, any one of us may be taken from his family, and carried to any part of Great-Britain, there

to be tried, whenever it ſhall be pretended that he has been concerned in burning or otherwiſe deſtroying any boat or veſſel, or any materials for building, &c. any naval or victualling ſtore, &c. belonging to his Majeſty. For by this act all perſons in the realm, or in any of the places thereto belonging (under which denomination we know the colonies are meant to be included) may be indicted or tried either in any county or ſhire within this realm, in like manner and form as if the offence had been committed in ſaid county, as his Majeſty and his ſucceſſors may deem expedient. Thus we are not only deprived of our grand right to *trial by our peers in the vicinity*, but any perſon ſuſpected, or pretended to be ſuſpected, may be hurried to Great-Britain, to take his trial in any county the King or his ſucceſſors ſhall pleaſe to direct; where, innocent or guilty, he is in great danger of being condemned; and whether condemned or acquitted, he will probably be ruined by the expence attending the trial, and his long abſence from his family and buſineſs; and we have the ſtrongeſt reaſon to apprehend that we ſhall ſoon experience the fatal effects of this act, as about the year 1769, the Britiſh parliament paſſed reſolves for taking-up a number of perſons in the colonies and carrying them to Great-Britain for trial, pretending that they were authoriſed ſo to do, by a ſtatute paſſed in the reign of Henry the Eighth, in which they ſay the colonies were included, although the act was paſſed long before any colonies were ſettled, or even in contemplation.

11thly. As our anceſtors came-over to this country that they might not only enjoy their civil but their religious rights, and particularly deſired to be freed from the prelates, who in thoſe times cruelly perſecuted all who differed in ſentiment from the eſtabliſhed church; we cannot ſee, without concern, the various attempts which have been made,

made, and are now making, to eſtabliſh an American epiſcopate. Our epiſcopal brethren of the colonies do enjoy, and rightfully ought ever to enjoy, the free exerciſe of their religion; but, as an American epiſcopate is by no means eſſential to that free exerciſe of their religion, we cannot help fearing that they who are ſo warmly contending for ſuch an eſtabliſhment, have views altogether inconſiſtent with the univerſal and peaceful enjoyment of our Chriſtian privileges: and doing, or attempting to do, any thing which has even the remoteſt tendency to endanger this enjoyment, is juſtly looked-upon as a great grievance, and alſo an infringement of our rights; which is not barely to exerciſe, but peaceably and ſecurely to enjoy, that liberty with which CHRIST hath made us free.

And we are further of opinion, that no power on earth can juſtly give either temporal or ſpiritual juriſdiction within this province, except the Great and General Court. We think therefore that every deſign for eſtabliſhing the juriſdiction of a Biſhop in this province, is a deſign both againſt our civil and religious rights: and we are well informed, that the more candid and judicious of our brethren of the Church of England, in this and the other colonies, both clergy and laiety, conceive of the eſtabliſhing an American epiſcopate as being both unneceſſary and unreaſonable.

12thly. Another grievance under which we labour is, the frequent alteration of the bounds of the colonies by deciſions before the King and Council, explanatory of former grants and charters. This not only ſubjects men to live under a conſtitution to which they have not conſented, which in itſelf is a great grievance; but moreover, under colour that the *right of ſoil* is affected by ſuch declarations, ſome Governours, or Miniſters, or both in conjunction, have pretended to grant, in conſequence of a *Mandamus*,

many thouſands of acres of vacant and appropriated lands near a century paſt, and rendered valuable by the labours of the preſent cultivators and their anceſtors. There are very notable inſtances of ſettlers, who, having, firſt, purchaſed the ſoil of the natives, have, at conſiderable expence, obtained confirmations of title from this province; and, on being transferred to the juriſdiction of the province of *New-Hampſhire*, have been put to the trouble and coſt of a new grant, or confirmation, from thence; and, after all this, there has been a third declaration of the royal will, that they ſhould thenceforth be conſidered as pertaining to the province of *New-York*. The troubles, expences, and dangers, which hundreds have been put to on ſuch occaſions, cannot here be recited; but ſo much may be ſaid, that they have been moſt cruelly haraſſed, and even threatened with a military force, to dragoon them into a compliance with the moſt unreaſonable demands.

A LETTER of Correſpondence to the other Towns.

BOSTON, November 20, 1772.

Gentlemen,

WE, the freeholders and other inhabitants of *Boſton*, in town-meeting duly aſſembled, according to law, apprehending there is abundant reaſon to be alarmed that the plan of *Deſpotiſm*, which the enemies of our invaluable rights have concerted, is rapidly haſtening to a completion, can no longer conceal our impatience under a conſtant, unremitted, uniform, aim to inſlave us, or confide in an adminiſtration which threatens us with certain and inevitable deſtruction.

deſtruction. But, when in addition to the repeated inroads made upon the rights and liberties of the coloniſts, and of thoſe in this province in particular, we reflect on the late extraordinary meaſure in affixing ſtipends, or ſalaries from the crown to the offices of the Judges of the ſuperior Court of Judicature, making them not only intirely independent of the people, whoſe lives and fortunes are ſo much in their power, but abſolutely dependant on the crown, (which may hereafter be worn by a tyrant) both for their appointment, and ſupport, we cannot but be extremely alarmed at the miſchievous tendency of this innovation; which, in our opinion, is directly contrary to the ſpirit of the Britiſh Conſtitution, pregnant with innumerable evils, and hath a direct tendency to deprive us of every thing valuable as men, as chriſtians, and as ſubjects, entitled, by the royal charter, to all the rights, liberties and privileges of native Britons. Such being the critical ſtate of this province, we think it our duty on this truly diſtreſſing occaſion, to aſk you, what can withſtand the attacks of mere power? what can preſerve the liberties of the ſubject, when the barriers of the conſtitution are taken-away? The town of *Boſton*, conſulting on the matter above-mentioned, thought proper to make application to the Governour by a committee; requeſting his excellency to communicate ſuch intelligence as he might have received, relative to the report of the Judges having their ſupport independent of the grants of this province, a copy of which you have herewith in paper No. 1. * To which we received as anſwer the paper No. 2. † The town, on further deliberation, thought it adviſeable to refer the matter to the Great and General Aſſembly; and accordingly in a ſecond addreſs, as No. 3. ‡ they requeſted his Excellency

* See Appendix, No. 1. † See Appendix, No. 2.
‡ See Appendix, No. 3.

that the general court might convene at the time to which they then ſtood prorogued; to which the town received the reply as in No. 4. § in which we are acquainted with his intentions further to prorogue the General Aſſembly, which has ſince taken place. Thus, gentlemen, it is evident his Excellency declines giving the leaſt ſatisfaction as to the matter in requeſt. The affair being of public concernment, the town of *Boſton* thought it neceſſary to conſult with their brethren throughout the province; and for this purpoſe appointed a committee, to communicate with our fellow-ſufferers, reſpecting this recent inſtance of oppreſſion, as well as the many other violations of our rights under which we have groaned for ſeveral years paſt—This committee have briefly recapitulated the ſenſe we have of our invaluable rights as men, as chriſtians, and as ſubjects; and wherein we conceive thoſe rights to have been violated, which we are deſirous may be laid before your town, that the ſubject may be weighed as its importance requires, and the collected wiſdom of the whole people, as far as poſſible, be obtained, on a deliberation of ſuch great and laſting moment as to involve in it the fate of all our poſterity.—Great pains has been taken to perſuade the Britiſh Adminiſtration to think, that the good people of this province in general are quiet and undiſturbed at the late meaſures; and that any uneaſineſs that appears, ariſes only from a few factious, deſigning, and diſaffected, men. This renders it the more neceſſary, that the ſenſe of the people ſhould be explicitly declared.—A free communication of your ſentiments to this town, of our common danger, is earneſtly ſollicited and will be gratefully received. If you concur with us in opinion, that our rights are properly ſtated, and that the ſeveral acts of Parliament, and Meaſures of Adminiſtration,

‡ See Appendix, No. 4.

pointed

pointed out by us, are ſubverſive of theſe rights, you will doubtleſs think it of the utmoſt importance that we ſtand firm as one man, to recover and ſupport them; and to take ſuch meaſures, by directing our repreſentatives, or otherwiſe, as your wiſdom and fortitude ſhall dictate, to reſcue from impending ruin our happy and glorious Conſtitution. But if it ſhould be the general voice of this province that the rights, as we have ſtated them, do not belong to us; or, that the ſeveral meaſures of adminiſtration in the Britiſh Court, are no violations of theſe rights: or, that, if they are thus violated or infringed, they are not worth contending-for, or reſolutely maintaining;——ſhould this be the general voice of the province, we muſt be reſigned to our wretched fate; but ſhall for ever lament the extinction of that generous ardour for civil and religious liberty, which, in the face of every danger, and even death itſelf, induced our fathers to forſake the boſom of their Native Country, and begin a ſettlement on bare creation.—But we truſt this cannot be the caſe: We are ſure your wiſdom, your regard to yourſelves and the riſing generation, cannot ſuffer you to doze, or ſit ſupinely indifferent, on the brink of deſtruction, while the iron hand of oppreſſion is daily tearing the choiceſt-fruit from the fair tree of liberty, planted by our worthy predeceſſors, at the expence of their treaſure, and abundantly watered with their blood.—It is an obſervation of an eminent patriot, that a people long inured to hardſhips, loſe by degrees the very notions of liberty; they look upon themſelves, as creatures *at mercy*, and that all impoſitions, laid on by ſuperior hands, are legal and obligatory.—But, thank Heaven, this is not yet verified in *America!* We have yet ſome ſhare of public virtue remaining: We are not afraid of poverty, but diſdain ſlavery.—The fate of nations is ſo precarious, and revolutions in ſtates ſo often take place at an unexpected moment, when the hand

of

of power, by fraud or flattery, has ſecured every avenue of retreat, and the minds of the ſubject debaſed to its purpoſe, that it becomes every well-wiſher to his country, while it has any remains of freedom, to keep an eagle-eye upon every innovation and ſtretch of power, in thoſe that have the rule over us. A recent inſtance of this we have in the late revolutions in *Sweden*; by which the prince, once ſubject to the laws of the ſtate, has been able of a ſudden, to declare himſelf an abſolute monarch. The Swedes were once a free, martial and valiant people: Their minds are now ſo debaſed, that they even rejoice at being ſubject to the caprice and arbitrary power of a tyrant, and kiſs their chains. It makes us ſhudder to think, the late meaſures of adminiſtration may be productive of the like cataſtrophe; which Heaven forbid!——Let us conſider, Brethren, we are ſtruggling for our beſt birth-rights and inheritance; which, being infringed, render all our bleſſings precarious in their enjoyment, and conſequently trifling in their value. Let us diſappoint the men, who are raiſing themſelves on the ruin of this country. Let us covince every invader of our freedom, that we will be as free as the conſtitution our fathers recognized, will juſtify.

The foregoing Report was twice read diſtinctly, and amended in the meeting. And then the queſtion was put, *Whether the ſame be accepted?* And paſſed in the affirmative, *Nem. Con.*

A true Copy,

Attest.

WILLIAM COOPER, *Town-Clerk.*

Upon a motion made, *Voted*, that the foregoing proceedings be atteſted by the Town-Clerk, and printed in a pamphlet; and that the committee be deſired to diſpoſe of *Six Hundred* Copies thereof to the Seleſt-men of the towns in

in the province, and ſuch other gentlemen as they ſhall think fit.

Voted, that the Town-Clerk be directed to ſign the foregoing Letter, and forward as many of the ſame to the Selectmen of each town in this province, as the committee ſhall judge proper, and direct.

A true Copy,

Atteſt.

WILLIAM COOPER, *Town-Clerk.*

APPENDIX.

APPENDIX:

(No. I.)

The MESSAGE of the Town of BOSTON to the GOVERNOUR.

May it pleaſe your Excellency,

THE freeholders and other inhabitants of the town of Boſton, legally aſſembled in Faneuil-Hall, beg leave to acquaint your Excellency, that a report has prevailed, which they have reaſon to apprehend is well-grounded, that ſtipends are affixed to the offices of the Judges of the ſuperior Court of Judicature, &c. of this province, whereby they are become independent of the grants of the General Aſſembly for their ſupport; contrary to ancient and invariable uſage. This report has ſpread an alarm among all conſiderate perſons who have heard of it in town and country; being viewed, as tending rapidly to complete the ſyſtem of their ſlavery; which originated in the Houſe of Commons of Great-Britain, aſſuming a power and authority, to give and grant the monies of the coloniſts without their conſent, and againſt their repeated remonſtrances. And, as the judges hold their places during pleaſure, this eſtabliſhment appears big with fatal evils, ſo obvious that it is needleſs to treſpaſs on your Excellency's time in mentioning them.

It is therefore the humble and earneſt requeſt of the town, that your Excellency would be pleaſed to inform them, Whether you have received any ſuch advice, relating to a matter ſo deeply intereſting to the inhabitants of this province, which gives you aſſurance that ſuch an eſtabliſhment has been, or is likely, to be made.

(No. II.)

The GOVERNOUR's ANSWER to the foregoing MESSAGE.

GENTLEMEN,

IT is by no means proper for me to lay before the inhabitants of any town whatſoever, in conſequence of their votes

and

and proceedings in a Town-Meeting, any part of my correſpondence as Governour of the Province, or to acquaint them whether I have, or have not, received any advices relating to the public affairs of the Government. This reaſon alone, if your addreſs to me had been in other reſpects unexceptionable, would have been ſufficient to reſtrain me from complying with your deſire.

I ſhall always be ready to gratify the inhabitants of the town of Boſton, upon every regular application to me on buſineſs of public concernment to the town, as far as I ſhall have it in my power conſiſtent with fidelity to the truſt which his Majeſty has repoſed in me.

T. HUTCHINSON.

Province-Houſe, 30 Oct. 1772.

To the inhabitants of the town
of Boſton in Town-Meeting
aſſembled at Faneuil-Hall.

(No. III.)

The PETITION of the TOWN to the GOVERNOUR.

The PETITION of the Freeholders and other inhabitants of the town of Boſton, legally aſſembled by adjournment in Faneuil-Hall, on Friday October 30, 1772,

Humbly sheweth,

THAT your petitioners are *ſtill* greatly alarmed at the report which has been prevalent of late, viz. That ſtipends are affixed to the offices of the Judges of the ſuperior Court of Judicature of this Province, by order of the Crown, for their ſupport.

Such an eſtabliſhment is contrary, not only to the plain and obvious ſenſe of the charter of this province, but alſo to ſome of the fundamental principles of the common law; to the benefit of which, all Britiſh ſubjects, wherever diſperſed throughout the Britiſh Empire are indubitably intitled.

Such

Such a jealouſy have the ſubjects of England for their rights, liberties and privileges, and ſo tender a regard has been ſhown to them by his Majeſty, that notwithſtanding the proviſion made at the revolution, that the judges of the King's ſuperior courts of law there, ſhould hold their commiſſions, not at pleaſure, but during good behaviour, and ſince that time for their ſupport, his Majeſty among other the firſt acts of his reign, was graciouſly pleaſed to recommend it to Parliament, and an act paſſed, that their commiſſions ſhould not ceaſe at the demiſe of the King; whereby every thing poſſible in human wiſdom ſeems to have been done, to eſtabliſh an impartiality in their deciſions, not only between ſubject and ſubject, but between the crown and the ſubject.——Of how much greater importance muſt it be to preſerve from the leaſt ſuppoſeable biaſs, the Judges of a Court inveſted by the laws of this province, (which have been approved of by Majeſty,) with powers as full and ample to all intents and purpoſes whatſoever, as the courts of King's Beneh, Common Pleas and Exchequer, within his Majeſty's kingdom of England, have, or ought to have?

Your Excellency will allow your petitioners, with due ſubmiſſion, to repeat, that this Eſtabliſhment appears to them pregnant with ſuch fatal evils, as that the moſt diſtant thought of its taking effect, fills their minds with Dread and Horror.

Theſe, Sir, are the ſentiments and apprehenſions of this metropolis: expreſſed, however, with due deference to the ſentiments of the province, with which your Petitioners are anxiouſly ſolicitous of being made acquainted.

It is therefore their earneſt and humble requeſt, that your Excellency would be pleaſed to allow the General Aſſembly to meet at the time to which it now ſtands prorogued; in order that in that *Conſtitutional* body, with whom it is to inquire

inquire into Grievances and redreſs them, the joint wiſdom of the province may be employed, in deliberating and determining on a matter ſo important and alarming.

(No. IV.)

The GOVERNOUR'S ANSWER to the foregoing PETITION.

GENTLEMEN,

THE royal charter reſerves to the Governour full power and authority, from time to time, as he ſhall judge neceſſary, to adjourn, prorogue, and diſſolve the General Aſſembly.

In the exerciſe of this power, both as to time and place, I have always been governed by a regard to his Majeſty's ſervice and to the intereſt of the province.

It did not appear to me neceſſary for thoſe purpoſes that the Aſſembly ſhould meet at the time to which it now ſtands prorogued; and, before I was informed of your addreſs, I had determined to prorogue it for a further time.

The reaſons which you have advanced have not altered my opinion.

If, notwithſtanding, in compliance with your petition, I ſhould alter my determination and meet the Aſſembly, contrary to my own judgement, at ſuch time as you judge neceſſary, I ſhould, in effect, yield to you the exerciſe of that part of the prerogative, and ſhould be unable to juſtify my conduct to the King.

There would, moreover, be danger of encouraging the inhabitants of the other towns in the province to aſſemble, from time to time, in order to conſider of the neceſſity or expediency of a ſeſſion of the General Aſſembly, or to debate and tranſact other matters which the law that authorizes

rizes towns to aſſemble does not make the buſineſs of a town-meeting.

T. HUTCHINSON.

Province-Houſe, Nov. 2. 1772.

To the inhabitants of the town
of Boſton in Town-Meeting
aſſembled at Faneuil-Hall.

This reply having been read ſeveral times and duly conſidered; it was moved, and the queſtion accordingly put—Whether the ſame be ſatisfactory to the town, which paſſed in the Negative, *Nem. Con.*

And thereupon RESOLVED, as the opinion of the inhabitants of this town, that they have, ever had, and ought to have, a right to petition the King or his repreſentative for the redreſs of ſuch grievances as they feel, or for preventing of ſuch as they have reaſon to apprehend; and to communicate their ſentiments to other Towns.

Atteſt,

WILLIAM COOPER, *Town-Clerk.**

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* I have here reprinted this Account of the Proceedings of the Town-Meeting of Boston, because it appears to me to contain the fullest and most able statement of the grievances and the claims of the British Colonies in North-America, before the unhappy war which ended in the separation of them from the Mother-Country, that I have ever seen. As to the arguments that were used for and against those claims in the years immediately preceeding that war, by the writers on both sides of the question, the reader may see them fully and fairly stated and examined in the first volume of the Canadian Freeholder. And a true history of the passing of the stamp-act in March, 1765, during the ministry of Mr. George Grenville, and of the repeal of it in the following spring of 1766, in the ministry of the Marquis of Rockingham, Mr. Dowdeswell, and General Conway, with a full and clear exhibition of the strong reasons of prudence and equity upon which that repeal was grounded, may be seen in the printed copy of an excellent speech of the late Mr. Edmund Burke, delivered in the House of Commons on the 19th of April, 1774, which has been lately republished with his other works. It is a master-piece of truth and eloquence. F. M.

AN ACCOUNT

OF THE

NOBLESSE, OR GENTRY, IN CANADA,

IN THE YEAR 1775.

THERE are only twenty-two names of noble families in all Canada; therefore, if we allow five perſons to a name, there are about one hundred noble perſons in Canada, men, women, and children.

This *Nobleſſe* has nothing to do with the landed property of the country in conſequence of their nobility. Some of them, indeed, have ſeigniories; but others of them are exceeding poor, not having 100*l.* ſterling, ſome not 30*l.* a-year, to maintain themſelves and their families, either in land or other property.

Thoſe of them who are tolerably rich, live in the towns of Quebeck and Montreal all the year, except, perhaps, a month, or leſs, when they viſit their ſeigniories to collect their rents and dues. They were uſed to pay court to the Governour and Intendant, and other officers of the Crown, in the time of the French Government, and never to try to make an intereſt with the people. And, accordingly, they have very little intereſt with the people, by whom they are rather hated, (and formerly were feared,) than loved or reſpected.

The nobles hitherto ſpoken-of are the *hereditary* nobility. There were in old France, in the year 1740, no leſs than fifty thouſand of thoſe noble families, according to the account given of them by that moſt faithful of all French writers of hiſtory, the *Abbé de Saint Pierre*, in his *Political Annals*. It is eaſy to ſee that many of theſe noble perſons muſt be totally

 without

without property. This nobility deſcends to all the male poſterity of the perſons ennobled, from generation to generation, *ad infinitum*, to younger ſons of younger ſons of younger ſons. This cauſes the number of theſe noble perſons to be ſo enormouſly great.

Perſons become noble in this complete, or hereditary, manner, either by letters patent of the King of France creating them ſo, though without a title, (for a title is not neceſſary to make a man noble,) or by exerciſing certain honourable offices in the ſtate. For example, the family of every member of a parliament in France, or of any other *ſovereign* court of juſtice, (that is, court of juſtice to which appeals lie from inferiour courts, and from which no appeals lie to any higher court, except to the King himſelf in his council of ſtate,) who dies in his office, or who holds it for twenty years, and then reſigns it, is thereby ennobled. So is the family of every General Officer of the army who dies in his employment, or holds it for a certain number of years. So is the family of a Captain in the army who has ſerved ten years in it, and whoſe father and grand-father have alſo ſerved, each of them, ten years in it in the ſame rank.

Beſides this hereditary nobility, there are many nobles for life A Captain in the army who has ſerved in that commiſſion, (or, I believe, in that commiſſion together with the inferiour commiſſions of Enſign and Lieutenant,) for the ſpace of twenty years, is thereby ennobled for his life, though his father was not an officer, nor noble in any degree.

Of this latter ſort of nobles there are ſeveral in Canada. General Carleton, in a letter to Lord Shelburne in the year 1767, reckons-up about one hundred and twenty perſons, who had commands either in the French army or the militia of Canada, or civil employments, or grants from the French king of excluſive rights to trade with the Indians in particular

trading

trading-posts, or ſome other advantages under the French government, which they had loſt by the change of government. But this loſs did not follow from their being Roman-catholicks; for, if they had been proteſtants, they muſt have loſt theſe advantages equally, as moſt of the places they held have no exiſtence under the Engliſh government, and the few places, or offices, that continue under the new government, are ſuch as they are not perſonally qualified to diſcharge, though they ſhould be proteſtants, ſuch as the offices of judges, collector and comptroller of the cuſtoms, receiver-general of the revenue, &c.

Theſe people, therefore, cannot be gratified by only taking-away the diſabilities ariſing from their being Roman-catholicks, nor without creating new places, or employments, civil and military, to beſtow upon them; which would be not only unreaſonably expenſive to Great-Britain, but alſo dangerous; and all their complaints againſt the Engliſh laws, on account of the diſabilities they impoſe on Roman-catholicks, are at the bottom only begging letters. Among theſe one hundred and twenty diſcontented perſons, there are ſome who are of noble families, ſo as to tranſmit the nobility to their children; but the greater part of them are only noble for life by their employments, and ſome of them not noble at all, either becauſe they have not held their employments long enough to make them ſo, or becauſe their employments were not of ſuch a nature as to confer nobility, of any kind, on the perſons who held them. Yet theſe one hundred and twenty perſons are the principal perſons who have complained of the Engliſh laws, and been the cauſe of the late act of parliament*. The reſt of the one

* This act was paſſed on the 10th of June, 1774, and is entitled "*An Act for making more effectual Proviſion for the Government of the Province of Quebec in North America.*"

hundred and twenty thouſand, or, according to General Carleton's eſtimation of them, one hundred and fifty thouſand, inhabitants of Canada, were very well pleaſed with the change of government, and have often acknowledged that they were happier under the Engliſh government than they had ever been before.

In France it is a privilege of the nobility to be exempted from paying a certain land-tax, which is called the *taille perſonnelle:* but there was no ſuch tax in Canada under the French government.

It is another privilege of the nobles, that they alone can enjoy the rights of Judicature, (*les droits de haute, moyenne, et baſſe juſtice,*) which may have been annexed, by the French king's grants, to any ſeigniories, or large tracts of land, held of the crown by the tenure of doing fealty and homage, (*foi et hommage,*) of which they may happen to be poſſeſſed. If a man that was not noble purchaſed one of theſe ſeigniories, he might enjoy all the pecuniary rights belonging to it, ſuch as the mill-tolls due from the freehold tenants, and the fines for alienation; but he could not, without the French king's licence, exerciſe the rights of judicature belonging to it. However, this was a matter of ſmall conſequence with reſpect to Canada, becauſe, in that country, ſcarce any of the owners of ſeigniories exerciſed theſe rights of judicature in the time of the French government, though they were uſually mentioned in the grants of their ſeigniories. But the expenſe attending the exerciſe of theſe rights of judicature, (ſuch as keeping a priſon, with a ſteward, or judge of the court, a ſeigniorial, or fiſcal, attorney, and a regiſter of the court,) was too great for them. And further, their right of holding theſe courts was ſo checked and controuled by the king of France's edicts, and the provincial regulations upon that ſubject, that it would have been but a ſort of ornamental

tal right, or feather in the cap, of thoſe who ſhould have held them, rather than a real and ſubſtantial degree of power in them. I believe there was not one ſingle lay ſeignior in all Canada before the late conqueſt, that exerciſed theſe rights of judicature; but certainly, if there were any, they were exceeding few: and none of them have been exerciſed ſince the conqueſt.

The French owners of ſeigniories ſometimes talk of the hardſhip of not being permitted to exerciſe their ſeigniorial juriſdictions under the Engliſh government. There may, perhaps, be ſome little injuſtice in it, becauſe it is a ſort of appendage to their landed property, which has been granted to them without reſerve by the capitulation and the treaty of peace; yet this is doubtful. But it is certain there is no *hardſhip* in it at all; for, if they could exerciſe them, they would not do ſo, for the reaſons above-mentioned. Their view in making theſe complaints is to induce the Government to buy theſe juriſdictions up, as they have heard the parliament did in the year 1747, with reſpect to the Scotch heritable juriſdictions. But theſe complaints come with an ill grace from ſuch of the French ſeigniors as are not noble, (which is the caſe with many of them,) ſince they had no right to exerciſe theſe juriſdictions under the French government.

Many of the nobles have no ſeigniories at all, nor any other landed property. There are ſcarce any people in Canada that have patrimonial fortunes to any conſiderable amount. The few rich men amongſt the French there have acquired their own fortunes in the ſervice of the king of France, that is, moſt probably, by cheating the king and oppreſſing the people: for the pay of the French military officers is but about a third part of the pay of our officers, and the pay of their judges and other civil officers is low in proportion; ſo

that it is hardly poſſible for them to live upon their lawful ſalaries, much leſs to ſave fortunes out of them: and therefore, whenever perſons in thoſe ſituations grow rich, one may pretty ſafely conclude that they have been great rogues, and have either cheated the king, or oppreſſed the people, to a great degree.

Many of the nobles of Canada retired to Old France after the peace; almoſt all that could afford it conveniently: and it would have been happy for the province if the reſt had followed them. This is not only the opinion of many Engliſhmen, who are acquainted with the province of Quebeck, but alſo that of the Abbé Raynal, in his account of the European ſettlements in the Eaſt and Weſt Indies. His words are theſe, in ſpeaking of the ſucceſs of the Britiſh arms in the late war. "*L'acquiſition d'un territoire immenſe* "*n'eſt pas toutesfois le plus grand fruit que la Grande* "*Bretagne doit retirer de la proſpérité de ſes armes. La po-* "*pulation conſidérable qu'elle y a trouvée eſt un avantage* "*bien plus important. A la vérité quelques uns de ces* "*nombreux habitants ont fui une domination nouvelle qui* "*n'admettoit entre les hommes d'autre différence que celle* "*des qualités perſonnelles, de l'éducation, de l'aiſance, de* "*la faculté d'être utile à la ſocieté. Mais l'émigration* "*de ces êtres mépriſables dont l'importance n'avoit pour base* "*que les coûtumes barbares, at-elle dû être regardée comme* "*une calamité? La colonie n'auroit-elle pas beaucoup* "*gagné à être débarraſſée de touts ces nobles oiſifs qui la* "*ſurchargeoient depuis ſi long temps, de ces nobles orgueilleux* "*qui y entretenoient le mépris de touts les travaux?*"

There are in Canada a few knights of the order of St. Lewis. Theſe are officers who ſerved in the French army in the late war, and who obtained this knight-hood as a reward either of their valour on ſome ſignal occaſion, or of their long

long ſervice, (twenty years' ſervice being reckoned ſufficient to give a man a ſort of right to this order,) or perhaps by mere favour. Theſe people are, for the moſt part, very poor and very proud. Their honour is not hereditary: and there are not many of them in the province; I believe, not more than a dozen.

To the Printer of the PUBLIC ADVERTISER.

SIR, *Feb.* 25, 1790.

HEREWITH I ſend you a tranſlation of a long note in the account lately publiſhed by the *Count of Lally* TOLENDAHL, a very eminent Member of the National Aſſembly of France, of his conduct in that capacity, and of his reaſons for reſigning his ſeat in that aſſembly in October laſt, when the King of France was forcibly taken from Verſailles by the democratic party now prevailing in France, and was carried to Paris. This gentleman was a deputy of the nobility of the diſtrict of Dourdans, and ſeems to be a very ſincere lover of his country, and of a moderate and well-regulated ſyſtem of liberty, as well as to be a man of great abilities, and very extenſive information on political ſubjects. His work is exceedingly curious, and very worthy of the peruſal of every perſon who has any deſire of being informed of the proceedings of the French National Aſſembly; and it ſeems to me to prove, that the account given of the late proceedings in France by Mr. Burke, in the Houſe of Commons, a few days* ago, is agreeable to the truth; a highly democratical ſpirit does prevail there, and the Members of the National Aſſembly are overawed by it, and dare not act in oppoſition to it; and too many acts of a *bloody*, *ferocious*, and *tyrannical nature*, have been committed by the common people againſt the Nobility, or rather, Gentry, of the country, in many different provinces of the kingdom. Some of the moſt remarkable of theſe acts are ſpecified in the note of which I herewith ſend you a tranſlation, the inſertion of which, in your uſeful

* On the 9th of February, 1790.

paper,

paper, may not only ſerve as a vindication of Mr. Burke's aſſertion, but will convey ſome important and entertaining information on this intereſting ſubject to your numerous readers.

I am, Sir,

Your humble ſervant,

VERUS.

F. M.

Tranſlation of a Note in the Letter of the Count of LALLY TOLENDAHL, *a late Repreſentative of the Nobility in the French* NATIONAL ASSEMBLY, *to his Conſtituents in the Bailiwick of* Dourdans, *giving an Account of his Conduct in the ſaid* National Aſſembly, *and the Reaſons that induced him to reſign his Seat in it, in the Month of October*, 1789.

THE Count of Mirabeau, at that time, threw-out a cenſure upon me *for having repreſented*, (as he expreſſed it) "*a few irregular and unfortunate proceedings that had lately happened*," *as being great and horrible calamities, and* "*a few ſteps that had been taken as neceſſary precautions in the then unſettled ſtate of our country, from a want of confidence in the intentions of the Court*," *as being acts of inhuman ferocity.*

This accuſation, it behoves me to refute; and I, therefore, appeal to any impartial perſons to be informed, whether, in their opinion, "the deſtroying of houſes, and laying-waſte of lands, and the murdering innocent and helpleſs perſons in many parts of the kingdom, without the ſmalleſt provocation; —as, for inſtance, the deſtruction, burning, or plundering of no fewer than thirty-ſix gentlemen's ſeats, (of which I had a liſt in my hand at the time I uſed the words objected to me) in only a ſingle province of the kingdom," might not juſtly

juſtly be conſidered as *public and dreadful calamities*, inſtead of being treated as *trifling and excuſable irregularities*, as Monſieur de Mirabeau is pleaſed to call them.

And, as to the other acts of violence which Monſieur de Mirabeau chooſes to conſider as *neceſſary or prudential meaſures, ariſing from a want of confidence in the intentions of the Court*; theſe, alſo, I preſume, ought rather to be called by the name that I have given them, of *acts of inhuman ferocity*, or I know not what can ever deſerve to be ſo entitled. Some of theſe acts are as follows; to wit, in the firſt place, in the Province of Languedoc, *Monſieur de Barras* was cut to pieces by the mob in the preſence of his wife, who was big with child, and ready to lie-in, and who died afterwards of the ſhock it gave her:—2dly, In the city of Mans, *Monſ. de Monteſſon* was ſhot to death, after having been a ſpectator of the cutting of his father-in-law's throat —3dly, In Normandy, a poor, helpleſs, old man, who was a cripple with the palſy, was put upon a pile of faggots, which were ſet on fire under him, and was afterwards left by his tormentors in that condition, and then removed from it by his friends, after his hands had been burnt-off:—and, 4thly, in the ſame province of Normandy, a nobleman's land-ſteward had his feet burnt by the people, in order to force him to deliver-up his maſter's title-deeds;—and, 5thly, in the ſame province, the unhappy *Monsieur de Balzunce*, (who had, with a generous and noble confidence, put himself into the hands of the people who came to attack him, inſtead of endeavouring to eſcape from them,) was nevertheleſs put to death by them with ſo much eagerneſs and impatience, that, in ſhooting at him in oppoſite directions at the ſame time, his murderers killed ſome of themſelves:—and, 6thly, in the province of Franche-Comté, *Madame de Battilly* was compelled by threats of inſtant death, and with a hatchet held over her head, to give-up her title-deeds, and

even

even her land:—and, 7thly, in the ſame province, *Madame de Liſtenay* was forced to make the ſame ſurrender of her property, with a halter round her neck, and her two daughters lying near her in a ſtate of inſenſibility, having fainted-away with terror at the ſight:—and, 8thly, the very reſpectable *Marquis of Ormenan*, an old gentleman, trembling with the palſy, was forced to fly from his country-ſeat in the middle of the night, to avoid being murdered by the mob, and was afterwards purſued by them from town to town, till he got out of the province, and arrived at *Baſle*, in Switzerland, almoſt dead with fatigue and terror, with his daughters, who had accompanied him, and reduced to a ſtate of deſpair:—and, 9thly, the *Count of Monteſu* and his wife, were kept by the mob in a ſtate of continual terror, with piſtols held to their breaſts, for three hours together, (during which time they deſired the people, as a favour, to put them to death without delay,) and were at laſt dragged out of their carriage in order to be thrown into a pond and drowned, when they were ſaved by the interpoſition of a regiment of ſoldiers, who happened to come-by at that inſtant:—and, 10thly, the *Baron of Mont Juſlin* was taken by a mob, and kept in a ſtate of continual terror under the apprehenſion of inſtant death, for the ſpace of an hour and a half, by being held on the top of a well, while they deliberated, in his hearing, whether they ſhould put him to death by letting him drop into the well, (where he would have been drowned,) or ſhould deſtroy him in ſome other manner:—and, 11thly, *Count Lallemand* and the Ducheſs of *Tonnerre* were treated with great cruelty; and the Chevalier *d'Ambli* was taken by force from his country-houſe, and barbarouſly dragged, naked, along the village that belonged to him, and then thrown upon a dunghill, after having had his eye-brows, and the hair of his head, plucked-out by the roots, while the people who were ſpectators of this cruelty,

cruelty, amuſed themſelves with dancing round him; beſides a number of the like cruel outrages, committed in the provinces of *Alſace* and *Dauphiny*, and the city of *Troyes* in *Champagne*, and alſo in the neighbourhood of Paris, almoſt within ſight of the National Aſſembly. This is a ſhort account of the actions which the Count de Mirabeau has called *neceſſary precautions, ariſing from a want of confidence*, and which he cenſures me for having unjuſtly miſrepreſented as *acts of inhuman ferocity*. I leave the reader to determine which of us has denoted them by the more proper appellation.

And, upon this occaſion, I cannot forbear aſking thoſe gentlemen who talk of *the want of confidence in the intentions of the Court, and the Nobility*, as having been the motive that urged the people to commit theſe acts of violence, as prudential meaſures neceſſary to their own ſafety; —I ſay, I muſt aſk theſe gentlemen, who it was that inſpired the people with this want of confidence, and thereby became the firſt authors of the miſchiefs it occaſioned? Who was it that encouraged the people to riſe in a ſeditious manner, both in the open countries, and great towns of the kingdom?—Who was it that wrote letters to the people at *Veſoul*, to inform them that the repreſentatives of the Nobility, who had been ſent to the National Aſſembly, had formed a plot to blow up with gunpowder the great room in which the Aſſembly met, at a time when only the repreſentatives of the Third Eſtate, or Commonalty, were aſſembled in it?—Who was it that perſuaded the peaſantry of the province of *Franche-Comté*, that the Nobility were the King's enemies? Who was it that forged thoſe pretended orders from the King to authorize and encourage the common people to fall upon the Nobility, or Gentry, whereever they met them, and to demoliſh and lay-waſte their houſes and poſſeſſions? Why was that moſt diabolical lie which

which was ſpread-about againſt *Monſ. de Meſmay*, "of his having cauſed a great number of the common people to be invited into a room in his houſe, that had been undermined with gunpowder, in order that they ſhould then be all blown-up at once;" and which for a conſiderable time excited againſt him, in the minds of all the world, the indignation and horror that ſuch an action ought to produce; I ſay, why was this moſt abominable calumny, when it was diſcovered to be but a calumny, ſuffered by the National Aſſembly to die-away in ſilence and neglect; inſtead of being ſifted to the bottom, in order to find-out and puniſh the villains who had invented it, againſt whom all the indignation, that had before been felt againſt *Monſ. de Meſmay*, ought then to have been directed? And have I not reaſon to complain, that, when I have expreſſed, in the National Aſſembly, the indignation and horror with which both the commiſſion of ſo many horrid crimes, and the impunity that attended them, had filled me, my ſentiments ſhould be conſidered, at ſome times, as a mark of a weak and effeminate ſpirit, and, at others, as an indication of luke-warmness in the cauſe of Liberty?—They little know the temper of my mind who put theſe interpretations on my conduct. No man is more inflamed with zeal for that nobleſt of all cauſes in which men of ſpirit can be engaged, than I am: No man can more admire the heroic conduct of the Engliſh North-Americans, in their late reſiſtance to the endeavours of Great-Britain to enſlave them, or that of the Dutch, of the century before laſt, when they freed themſelves from the tyranny of the King of Spain, than I do: No man can more ſympathize with both thoſe nations in the various events of thoſe two noble ſtruggles for Liberty, nor more ſincerely rejoice at the final happy ſucceſs of them. But to ſee downright robberies juſtified by quibbling pretenders to reaſon! to ſee the poor peaſants excited to go-about and burn honeſt men's houſes,

houſes, by a ſet of rogues, that forge pretended orders from their Sovereign for ſo doing! to ſee aſſaſſinations of the Nobility encouraged by declaiming orators, that ſet-up for the patrons of Liberty! and this, when the Nobility made no oppoſition to the meaſures which the publick welfare made neceſſary;—when they conſented to every propoſal;—when it was not in their power to oppoſe any thing;—when a conſiderable part of them had zealouſly embraced the intereſts and deſigns of the commonalty, and all of them had agreed to give-up their exemption from taxes, and other pecuniary, or profitable, privileges, and would have been contented with retaining only their honorary diſtinctions!—To ſee ſuch things done and encouraged, and not to be ſhocked and diſguſted, and diſpirited, at the ſight, is, I confeſs, above my pitch of firmneſs, and, as I ſuppoſe, above that of any other man, who is not totally diveſted of every ſentiment of juſtice and humanity.

End of the Translation of the Note, in Count Lally's Letter.

It is much to be lamented that, after theſe atrocious actions had been committed in France and were well known in England, that eminent member of the Engliſh Houſe of Commons, the late Mr. Charles James Fox, did not join with Mr. Burke, (his former great aſſociate in politicks,) in expreſſing a proper deteſtation of them and of the wild and extravagant Revolution in the French Government to which they were intended to be ſubſervient. If he, and all his numerous partizans, (who were in the habit of adopting his opinions upon political ſubjects,) had conſidered that dreadful event in the true light in which it had been repreſented by Mr. Burke, as being, from the very beginning,

ning, a ſyſtem of Robbery and Murder directed againſt the owners of Landed property in France, both of the Clergy and the Laity, which threatened to over-throw the moſt powerful and beſt-eſtabliſhed monarchy in Europe, and ultimately to deſtroy every trace of the people's former Liberties and Privileges, and reduce them to a ſtate of complete ſlavery under the abſolute and arbitrary rule of ſome upſtart Military Deſpot (which is the ſtate in which we now behold them,) there is reaſon to think that a declaration made by him and his friends, in their ſpeeches in parliament, of ſuch a diſapprobation of the violent meaſures of the firſt National Aſſembly of France and of the riotous mobs of Paris in ſupport of them, would have checked them in their career of Injuſtice and Folly, or, at leaſt, would have prevented their falling into the miſtaken opinion that the great body of the Engliſh Nation were full of Admiration of the new and bold changes which they had made in their Government, and were wiſhing and preparing to imitate their noble example, by making ſimilar changes in the Government of England. But, inſtead of joining with Mr. Burke in this prudent and patriotick conduct, Mr. Fox, long after the abominable outrages, deſcribed above in Count Lally's note, were known in England, declared in the Houſe of Commons, "*that he looked-upon the French Revolution as the higheſt effort of human Wisdom, for the promotion of human Happineſs that he had ever heard-of.*" And many other perſons in England ſeemed to entertain the ſame opinion of it for more than three years together, or till September, 1792; when the cruel maſſacres of great numbers of inoffenſive prieſts and laymen (who were confined in the priſons of Paris), perpetrated with the knowledge and conſent, or, rather, by the direction, of *Danton*, then newly-appointed Miniſter of Juſtice,—and the numerous ſubſequent, almoſt daily, murders

of

of innocent perſons by the guillotine during what is called *the reign of Terror*, under the new republican Government, during the power of *Robespierre*,—opened their eyes to the miſerable conſequences of thoſe mad innovations, and taught them to know and to value the more certain and ſober ſort of Liberty which they themselves had conſtantly enjoyed under the protection of the limited Monarchy of England. There were, however, ſeveral noblemen and gentlemen of rank and conſequence, in both Houſes of Parliament, who, (though they had acted in conjunction with Mr. Fox for ſome years before the breaking-out of the diſaſtrous French Revolution,) thought fit to differ from him upon this great occaſion, and to declare, even in the beginning of the French Revolution, that they agreed with Mr. Burke in his opinions upon this ſubject. Of theſe judicious and patriotick perſons, one of the moſt eminent in the Houſe of Lords was the duke of Portland, and one of the moſt diſtinguiſhed in the Houſe of Commons was Mr. William Windham, who has ſince been one of the King's Secretaries of ſtate. It is, perhaps, owing to the efforts of theſe worthy perſons who adopted Mr. Burke's opinions upon this ſubject, that England has not been thrown into confuſion and miſery by a change of our happy form of Government into a Republick in imitation of the French Revolution.

AN ACCOUNT OF THE OPINIONS OF THE LATE ADAM SMITH, LL. D. AUTHOR OF "THE WEALTH OF NATIONS," CONCERNING THE WORKS OF SEVERAL ENGLISH AUTHORS.

To the PRINTER *of the* WHITEHALL EVENING POST.

SIR,

IN the year 1780, I had frequent occaſion to be in company with the late well-known Dr. Adam Smith. When buſineſs ended, our converſation took a literary turn; I was then young, inquiſitive, and full of reſpect for his abilities as an author. On his part he was extremely communicative, and delivered himſelf, on every ſubject, with a freedom, and even boldneſs, quite oppoſite to the apparent reſerve of his appearance. I took-down notes of his converſation, and have here ſent you an abſtract of them. I have neither added, altered, nor diminiſhed them, but merely put them into ſuch a ſhape as may fit them for the eye of your readers.

Of the late Dr. Samuel Johnſon, Dr. Smith had a very contemptuous opinion. "I have ſeen that creature," ſaid he, "bolt-up in the midſt of a mixed company; and, without any previous notice, fall upon his knees behind a chair, repeat the Lord's Prayer, and then reſume his ſeat at table. He has played this freak over and over, perhaps five or ſix times, in the courſe of an evening: It is not hypocriſy, but madneſs. Though an honeſt ſort of man himſelf, he is always patroniſing ſcoundrels. Savage, for inſtance, whom he ſo loudly praiſes, was but a worthleſs fellow; his penſion of fifty

pounds a year never laſted him longer than a few days. As a ſample of his economy, you may take a circumſtance, that Johnſon himſelf once told me. It was, at that period, faſhionable to wear ſcarlet cloaks trimmed with gold lace; and the Doctor met him one day, juſt after he had got his penſion, with one of theſe cloaks upon his back, while, at the ſame time, his naked toes were ſticking through his ſhoes."

He was no admirer of the Rambler or the Idler, and hinted, that he had never been able to read them. He was averſe to the conteſt with America; yet he ſpoke highly of Johnſon's political pamphlets: but, above all, he was charmed with that reſpecting Falkland's Iſlands, as it diſplayed, in ſuch forcible language, the madneſs of modern wars.

I enquired his opinion of the late Dr. Campbell, author of the Political Survey of Great Britain. He told me, that he never had been above once in his company; that the Doctor was a voluminous writer, and one of thoſe authors who write from one end of the week to the other, without interruption. A gentleman, who happened to dine with Dr. Campbell in the houſe of a common acquaintance, remarked, that he would be glad to poſſeſs a complete ſet of the Doctor's works. The hint was not loſt; for next morning he was ſurpriſed at the appearance of a cart before his door. This cart was loaded with the books he had aſked for; the driver's bill amounted to *ſeventy pounds!* As Dr. Campbell compoſed a part of the Univerſal Hiſtory, and of the Biographia Britannica, we may ſuppoſe, that theſe two ponderous articles formed a great part of the cargo. The Doctor was in uſe to get a number of copies of his publications from the printer, and keep them in his houſe for ſuch an opportunity. A gentleman, who came in one day, exclaimed, with ſurpriſe, "Have you ever read all theſe

theſe books?"—"Nay," replied Dr. Campbell, laughing, "I have written them."

Of Swift, Dr. Smith made frequent and honourable mention. He denied that the Dean could have written the Pindarics printed under his name. He affirmed, that he wanted nothing but inclination to have become one of the greateſt of all poets. "But, in place of this, he is only a goſſiper, writing merely for the entertainment of a private circle." He regarded Swift, both in ſtyle and ſentiment, as a pattern of correctneſs. He read to me ſome of the ſhort poetical addreſſes to Stella, and was particularly pleaſed with one couplet—

"Say, Stella, feel you no content,
"Reflecting on a life well-ſpent?"

Though the Dean's verſes are remarkable for eaſe and ſimplicity, yet the compoſition required an effort. To expreſs this difficulty, Swift uſed to ſay, *that a verſe came from him like a guinea.* Dr. Smith conſidered the lines on his own death, as the Dean's poetical maſterpiece. He thought that, upon the whole, his poetry was correct, after he ſettled in Ireland, when he was, as he himſelf ſaid, ſurrounded "only by humble friends."

The Doctor had ſome ſingular opinions. I was ſurpriſed at hearing him prefer Livy to all other hiſtorians, ancient and modern. He knew of no other who had even a pretence to rival him, if David Hume could not claim that honour. He regretted, in particular, the loſs of his account of the civil wars in the age of Julius Cæſar; and when I attempted to comfort him by the library at Fez, he cut me ſhort. I would have expected Polybius to ſtand much higher in his eſteem than Livy, as having a much nearer reſemblance to Dr. Smith's own manner of writing. Beſides his miracles, Livy contains an immenſe number of the moſt obvious and groſs falſehoods.

He was no ſanguine admirer of Shakeſpeare. "Voltaire, you know," ſays he, "calls Hamlet the dream of a drunken ſavage."—"He has good ſcenes, but not one good play." The Doctor, however, would not have permitted any body elſe to paſs this verdict with impunity. For when I once afterwards, in order to ſound him, hinted a diſreſpect for Hamlet, he gave a ſmile, as if he thought I would detect him in a contradiction, and replied, "Yes! but ſtill Hamlet is full of fine paſſages."

He had an invincible contempt and averſion for blank verſe; Milton's always excepted. "They do well," he ſaid, "to call it *blank*, for blank it is; I myſelf, even I, who never could find a ſingle rhyme in my life, could make blank verſe as faſt as I could ſpeak; nothing but lazineſs hinders our tragic poets from writing, like the French, in rhyme. Dryden, had he poſſeſſed but a tenth part of Shakeſpeare's dramatic genius, would have brought rhyming tragedies into faſhion here as well as they are in France, and then the mob would have admired them juſt as much as they now pretend to deſpiſe them."

Beattie's Minſtrel he would not allow to be called a poem; for it had, he ſaid, no plan, no beginning, middle, or end. He thought it only *a ſeries of verſes*; but a few of them very happy. As for the tranſlation of the Iliad, "They do well," he ſaid, "to call it *Pope's* Homer; for it is not Homer's Homer. It has no reſemblance to the majeſty and ſimplicity of the Greek." He read-over to me l'Allegro and Il Penſeroſo, and explained the reſpective beauties of each, but added, that all the reſt of Milton's ſhort poems were traſh. He could not imagine what had made Johnſon praiſe the poem on the Death of Mrs. Killigrew, and compare it with Alexander's Feaſt. The criticiſm had induced him to read it over, and with attention, twice; and he could not diſcover even a ſpark of merit. At the ſame time, he mentioned Gray's

Gray's Odes, (which Johnſon has damned ſo completely, and, in my humble opinion, with ſo much juſtice,) as the ſtandard of lyric excellence. He did not much admire the Gentle Shepherd. He preferred the *Paſtor Fido*, of which he ſpoke with rapture, and the Eclogues of Virgil. I pled as I could for Allan Ramſay, becauſe I regard him as the ſingle unaffected poet whom we have had ſince Buchanan.

Proximus huic, longo ſed proximus intervallo.

He anſwered, "It is the duty of a poet to write like a gentleman. I diſlike that homely ſtyle which ſome think fit to call the language of nature and ſimplicity, and ſo forth. In Percy's Reliques too, a few tolerable pieces are buried under a heap of rubbiſh. You have read, perhaps, Adam Bell, Clym of the Cleugh, and William of Cloudeſlie." I anſwered, Yes, "Well then," ſaid he, "do you think that was worth printing?" He reflected with ſome harſhneſs on Dr. Goldſmith; and repeated a variety of anecdotes to ſupport his cenſure.

They amounted to prove that Goldſmith loved a wench and a bottle; and that a lie, when to ſerve a ſpecial end, was not excluded from his ſyſtem of morality. To commit theſe ſtories to print would be very much in the modern taſte; but ſuch proceedings appear to me as an abſolute diſgrace to typography.

He never ſpoke but with ridicule and deteſtation of the *Reviews*. He ſaid that it was not eaſy to conceive in what contempt they were held in London. I mentioned a ſtory I had read of Mr. Burke having ſeduced and diſhonoured a young lady, under promiſe of marriage. "I imagine," ſaid he, "that you have got that fine ſtory out of ſome of the Magazines. If any thing can be lower than the Reviews, they are ſo. They once had the impudence to publiſh a ſtory of a gentleman's having debauched his own ſiſter; and

upon inquiry, it came-out that the gentleman never had a ſiſter. As to Mr. Burke, he is a worthy, honeſt, man. He married an accompliſhed girl, without a ſhilling of fortune." I wanted to get the Gentleman's Magazine excepted from his general cenſure; but he would not hear me. He never, he ſaid, looked at a Review, nor even knew the names of the publiſhers.

He was fond of Pope, and had by heart many favourite paſſages; but he diſliked the private character of the man. He was, he ſaid, all affectation, and mentioned his Letter to Arbuthnot, when the latter was dying, as a conſummate ſpecimen of canting; which, to be ſure, it is. He had alſo a very high opinion of Dryden, and loudly extolled his Fables. I mentioned Mr. Hume's objections; he replied, "You will learn more as to poetry, by reading one good poem, than by a thouſand volumes of criticiſm." He quoted ſome paſſages in Defoe, which breathed, as he thought, the true ſpirit of Engliſh verſe.

He diſliked Meikle's tranſlation of the Luſiad, and eſteemed the French verſion of that work as far ſuperior. Meikle, in his preſence, has contradicted, with great frankneſs, ſome of the poſitions advanced in the Doctor's Inquiry, which may perhaps have diſguſted him; but, in truth, Meikle is only an indifferent rhymer.

Dr. Smith, with Lord Gardenſtone, regarded the French Theatre as the ſtandard of dramatic excellence.

He ſaid, that at the beginning of the preſent reign, the diſſenting miniſters had been in uſe to receive two thouſand pounds* a year from Government; that the Earl of Bute had, (as he thought, moſt improperly) deprived them of this allowance, and that he ſuppoſed this to be the real motive of their virulent oppoſition to Government.

Glaſgow.

* This ſum of money has been generally repreſented as *ſeven* thouſand pounds a year.

ON

ON THE DOCTRINE OF LIBELS,

AS IT HAS BEEN REPRESENTED BY SOME JUDGES.

To the PRINTER *of the* PUBLIC ADVERTISER.

Mr. PRINTER, *February* 15, 1792.

I CANNOT but rejoice to find, that Mr. Fox has reſolved to employ his great abilities in endeavouring to aſcertain the LEGAL DOCTRINES concerning LIBELS, and to correct them, if found to be detrimental to a juſt and moderate liberty of reaſoning upon political meaſures. One of the points that will probably be the object of the Houſe's conſideration in the debate that will ariſe upon this ſubject is, "the right of the jury to inquire into the *intention* of the writer, or publiſher, of the paper proſecuted as a ſeditious libel; and, into the *tendency* of the ſaid paper to raiſe ſedition, or diſturbance in the country, which is always aſcribed to it in the Indictment, or Information, againſt the publiſher, and conſtitutes the very eſſence of the crime imputed to him." Now theſe points have been, by many modern Judges, conſidered as *matters of law*, and therefore, ſay they, as matters to be referred for the cognizance of the Judges only, and not for that of the jury, whoſe whole buſineſs is, to declare "whether, or not, the paper in queſtion (ſuch as it is, innocent or miſchievous,) was publiſhed by the perſon accuſed." Lord Mansfield, in particular has called the opinion, which a reader will form of the bad tendency of the paper, and of the wicked intention of the writer of it, from the peruſal of it, *an inference of law*; as if the knowledge of the law were requiſite to form ſuch an inference. But, ſurely, this may be done without the

ſmalleſt acquaintance with either Lord Coke's Inſtitutes, or his Reports, or Plowden's Reports, or any other ſuch recondite learning, and by the mere aſſiſtance of common ſenſe, and an ordinary acquaintance with the buſineſs and tranſactions of the world, ſuch as a juryman may be ſuppoſed to be poſſeſſed-of. And, therefore, I ſhould think it ought rather to be called *an inference of reason*, than *an inference of law*, and to be left to the cognizance of the jury; in the ſame manner as, in a charge of burglary, or houſe-breaking by night, with an intention to commit a felony, the jury are to determine not only whether the priſoner at the bar broke into the houſe by night, but whether he did ſo with an intention to commit a felony. Theſe are inferences of reaſon and common ſenſe, and not of law, as Lord Mansfield, and ſome other Judges, have repreſented them, for the ſake of taking them out of the cognizance of the jury: though, in truth, if they were inferences of law, it would not follow that the jury would have no right to determine them; becauſe "every point of law that is accidentally intermixed with matters of fact, in the complicated iſſue, or queſtion, referred to the determination of a Jury, is within their cognizance," as Littleton (the great oracle of the law) has expreſſly declared, and all ſubſequent lawyers have allowed. But, this is a point not neceſſary to be inſiſted-on in conſidering the doctrine of libels, becauſe in thoſe proſecutions, all the points to be determined are mere matters of fact: to wit, 1ſt, Whether the man publiſhed the paper—2dly, Whether he had a bad deſign in publiſhing it—and 3dly, Whether the paper has a bad tendency, or is likely to produce bad effects; which laſt point is as truly a matter of fact, as, "whether a man who is charged with wounding another with a ſword, touched him with a ſword, or touched him with a fencing-foil with a button at the end of it," or as, "whether a perſon who is charged

charged with poiſoning another, by giving him a glaſs of wine, gave him a glaſs of mere wine, or a glaſs of wine with arſenic in it."

This doctrine of Lord Mansfield, and ſome other Judges, (but which Lord Camden has repeatedly condemned), "that theſe points are inferences of law, and, therefore, (as they too haſtily conclude,) not within the juriſdiction of the jury," was not firſt invented by Lord Mansfield, but was laid-down by Lord Raymond, in the caſe of the *King and Franklin*, which was tried on the 3d of December, 1731; and it has been moſt commonly, but not, I think, conſtantly, adhered-to by the Judges ever ſince. But it was not the doctrine laid-down in the trial of the ſeven biſhops, in the year 1688, or the laſt year of King James the Second, nor by Lord Chief-Juſtice Holt, in the reign of Queen Anne. For, in the trial of Mr. Tutchin, in that reign, for one of the moſt ſeditious libels that ever were known, that great Chief-Juſtice addreſſes the jury in theſe words: "Gentlemen of the Jury—this is an Information for publiſhing libels againſt the Queen and her Government;" and then, after ſtating the proof of the publication of the papers, and reading ſome paſſages from them, he goes-on in this manner—"So that, "now you have heard this evidence, you are to conſider "whether you are ſatisfied that Mr. Tutchin is guilty of "writing, compoſing, and publiſhing theſe libels. They "ſay, theſe are innocent papers, and that nothing is a libel "but what reflects upon ſome particular perſon. But this "is a very ſtrange doctrine, to ſay, it is not a libel re-"flecting on Government---to endeavour to poſſeſs the "people, that the Government is mal-adminiſtered by cor-"rupt perſons that are employed in ſuch and ſuch ſtations, "either in the navy or army. For it is very neceſſary for "every Government that the people ſhould have a good "opinion of it; and nothing can be worſe than to endeavour

"to

"to excite any animoſities as to the management of it. "This has been always looked-upon as a crime; and no "Government can be ſafe unleſs it be puniſhed. Now, "*you are to conſider*, whether thoſe words I have read to "you do not tend to beget an ill opinion of the Admi-"niſtration of the Government?" Here, we find this able Chief Juſtice expreſſly directing the Jury to conſider *the tendency* of the papers in queſtion—to wit, "whether, "they do not tend to beget an ill opinion of the adminiſtration of the Government?" inſtead of telling them, (as modern Judges have often done) that this tendency is a mere inference of law, which the Judges only have a right to make, without any concurrence of the Jury. And to this moſt reaſonable and valuable right of conſidering both the tendency of the papers complained-of, and the intention of the writer, or publiſher, in publiſhing them, which is uſually an inference of reaſon, or common ſenſe, not of law, to be drawn from the tendency of them; (though ſometimes it happens, that this intention may even be proved, by the poſitive teſtimony of witneſſes, which is an additional mark of its being *a matter of fact*, and not *a matter of law*). I hope, the Juries of this country will now be reſtored, by the laudable and patriotick efforts of Mr. Fox and Mr. Erſkine in the courſe of the approaching debate.

PHILELEUTHERUS.
F. M.

THE

THE BILL PROPOSED BY MR. FOX AND MR. ERSKINE IN SUPPORT OF THE RIGHT OF JURIES TO DETERMINE THE WHOLE MATTER IN ISSUE IN CRIMINAL PROSECUTIONS FOR PUBLISHING LIBELS.

From the PUBLIC ADVERTISER, *Feb.* 15, 1792.

UPON a ſubject in which every Engliſhman is ſo materially intereſted as in the *power of a jury*, our readers may be gratified by a peruſal of Mr. *Fox's Bill*, patriotically brought into Parliament to *remove* DOUBTS *reſpecting the* FUNCTIONS *of* JURIES, *in caſes of* LIBEL.

The bill was yeſterday read a third time, and paſſed to the Lords; it is extremely ſhort, and, *verbatim*, as follows.

"Whereas doubts have ariſen, whether, on the trial of "an Indictment or Information for the making or publiſhing "any libel, where an iſſue or iſſues are joined between the "King and the defendant or defendants, on the plea of "*Not "Guilty*" pleaded, it be competent to the Jury, impannel-"led to try the ſame, to give their verdict upon the whole "matter in iſſue:

"Be it therefore declared and enacted, by the King's "Moſt Excellent Majeſty, by and with the advice and "conſent of the Lords Spiritual and Temporal, and Com-"mons, in this preſent Parliament aſſembled, and by the "authority of the ſame, That, on every ſuch trial, the "jury ſworn to try the iſſue, may give a general verdict of "GUILTY or NOT GUILTY, upon the whole matter put in "*iſſue* upon ſuch Indictment or Information; and ſhall not "be required, or directed, by the Court, or Judge, before "whom ſuch Indictment, or Information, ſhall be tried, to find

" find the defendant, or defendants, guilty, merely on the " proof of the publication by ſuch defendant, or defendants, " of the paper charged to be a libel, and of the ſenſe aſcribed " to the ſame in ſuch Indictment or Information: Provided " always, that on every ſuch trial, the court, or judge, before " whom ſuch Indictment, or Information, ſhall be tried, " ſhall, according to their, or his, diſcretion, give their, or " his, opinion and directions to the Jury, on the matter in " iſſue between the King and the defendant, or defendants, " in like manner as in other criminal caſes: Provided alſo, " that nothing herein contained ſhall extend, to prevent " the Jury from finding a ſpecial verdict, in their diſcre- " tion, as in other criminal caſes: Provided alſo, that, in " caſe the Jury ſhall find the defendant, or defendants, " guilty, it ſhall and may be lawful for the ſaid defendant, " or defendants, to move in arreſt of judgment, on ſuch " ground, and in ſuch manner, as, by law, he, or they, " might have done before the paſſing of this act; any thing " herein contained to the contrary notwithſtanding."

AREOPAGITICA:

A SPEECH FOR THE LIBERTY OF UNLICENSED PRINTING,

TO THE PARLIAMENT OF ENGLAND.

Published in November, 1644,

BY JOHN MILTON, THE AUTHOR OF PARADISE LOST.

Τὰλέυθερον δ' ἐκεῖνο, ἐ'ι τις θέλει πόλει
Χρησόν τι βάλευμ' ἐἰς μέσον φέρειν, ἔχων.
Καὶ ταῦθ' ὁ χρήζων, λαμπρὸς ἔσθ': ὁ μὴ θέλων,
Σιγᾷ: τί τουτων ἔξιν ἰσαίτερον πόλει;

Euripid. Hicetid.

This is true Liberty, when freeborn men,
Having to advise the public, may speak free,
Which he who can, and will, deserves high praise;
Who neither can, nor will, may hold his peace;
What can be juster in a state than this?

Euripid. Hicetid.

THEY, who to States and Governors of the commonwealth direct their ſpeech, High Court of Parliament! or, wanting ſuch acceſs, in a private condition, write that which they foreſee may advance the publick good; I ſuppoſe them, as at the beginning of no mean endeavour, not a little altered and moved inwardly in their minds; ſome with doubt of what will be the ſucceſs, others with fear of what will be the cenſure; ſome with hope, others with confidence of what they have to ſpeak. And me perhaps each of theſe diſpoſitions, as the ſubject was whereon I entered, may have at other times variouſly affected; and likely might in theſe foremoſt expreſſions now alſo diſcloſe which of them ſwayed moſt, but that the very attempt of this addreſs thus made, and the thought of whom it hath recourſe to, hath got the power within me to a paſſion,

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far more welcome than incidental to a preface. Which though I ſtay not to confeſs ere any aſk, I ſhall be blameleſs, if it be no other, than the joy and gratulation which it brings to all who wiſh and promote their country's liberty; whereof this whole diſcourſe propoſed will be a certain teſtimony, if not a trophy. For this is not the liberty which we can hope, "that no grievance ever ſhould ariſe in the commonwealth:" *That* let no man in this world expect. But, when complaints are freely heard, deeply conſidered, and ſpeedily reformed, then is the utmoſt bound of civil liberty attained, that wiſe men look-for. To which if I now manifeſt, by the very ſound of this which I ſhall utter, that we are already in good part arrived; and yet from ſuch a ſteep diſadvantage of tyranny and ſuperſtition grounded into our principles, as was beyond the manhood of a Roman recovery; it will be attributed firſt, as is moſt due, to the ſtrong aſſiſtance of God, our Deliverer; next, to your faithful guidance and undaunted wiſdom, Lords and Commons of England! Neither is it in God's eſteem, the diminution of his glory, when honourable things are ſpoken of good men, and worthy magiſtrates; which if I now firſt ſhould begin to do, after ſo fair a progreſs of your laudable deeds, and ſuch a long obligement upon the whole realm to your indefatigable virtues, I might be juſtly reckoned among the tardieſt, and the unwillingeſt, of them that praiſe ye. Nevertheleſs there being three principal things, without which all praiſing is but courtſhip and flattery, firſt, when that only is praiſed which is ſolidly worth praiſe; next, when the greateſt likelihoods are brought, that ſuch things are truely and really in thoſe perſons, to whom they are aſcribed; the other, when he who praiſes, by ſhowing that ſuch

his

his actual perſuaſion is of whom he writes, can demonſtrate that he flatters not; the former two of theſe I have heretofore endeavoured, reſcuing the employment from him who went about to impair your merits with a trivial and malignant encomium; the latter, as belonging chiefly to mine own acquittal, "that whom I ſo extolled I did not flatter," hath been reſerved opportunely to this occaſion. For he who freely magnifies what hath been nobly done, and fears not to declare as freely what might be done better, gives ye the beſt covenant of his fidelity; and that his loyaleſt affection and his hope waits on your proceedings. His higheſt praiſing is not flattery, and his plaineſt advice is a kind of praiſing; for, though I ſhould affirm and hold by argument, that it would fare better with truth, with learning, and the commonwealth, if one of your publiſhed orders, which I ſhould name, were called-in; yet at the ſame time it could not but much redound to the luſtre of your mild and equal government, whenas private perſons are hereby animated to think ye better pleaſed with publick advice, than other ſtatiſts have been delighted heretofore with publick flattery. And men will then ſee what difference there is between the magnanimity of a triennial parliament, and that jealous haughtineſs of prelates and cabin-counſellors* that uſurped of late, when as they ſhall obſerve ye, in the midſt of your victories and ſucceſſes, more gently brooking written exceptions againſt a voted order, than other courts, which had produced nothing worth memory but the weak oſtentation of wealth, would have endured the leaſt ſignified diſlike at any ſudden proclamation. If I ſhould thus far preſume upon the meek demeanor of

* That is, chamber-counſellors, or counſellors who are aſſembled by the king in a private chamber, as it were in the cabin of a ſhip, to give him advice in matters of ſtate.

your civil and gentle greatneſs, Lords and Commons! as what your publiſhed order hath directly ſaid, *that* to gainſay, I might defend myſelf with eaſe, if any ſhould accuſe me of being new or inſolent, did they but know how much better I find ye eſteem it to imitate the old and elegant humanity of Greece, than the barbaric pride of a Hunniſh and Norwegian ſtatelineſs. And out of thoſe ages, to whoſe polite wiſdom and letters we owe that we are not yet Goths and Jutlanders, I could name him who from his private houſe wrote that diſcourſe to the parliament of Athens, that perſuades them to change the form of democraty which was then eſtabliſhed. Such honour was done in thoſe days to men who profeſſed the ſtudy of wiſdom and eloquence, not only in their own country, but in other lands, that cities and ſignories heard them gladly, and with great reſpect, if they had aught in publick to admoniſh the ſtate. Thus did Dion Pruſæus, a ſtranger and a private orator, counsel the Rhodians againſt a former Edict; and I abound with other like examples, which to ſet here would be ſuperfluous. But, if from the induſtry of a life wholly dedicated to ſtudious labours, and thoſe natural endowments haply not the worſt for two and fifty degrees of northern latitude, ſo much muſt be derogated, as to count me not equal to any of thoſe who had this privilege, I would obtain to be thought not ſo inferior, as yourſelves are ſuperior to the moſt of them who received their counſel; and how far you excel them, be aſſured, Lords and Commons! there can no greater teſtimony appear, than when your prudent ſpirit acknowledges and obeys the voice of reaſon, from what quarter ſoever it be heard ſpeaking; and renders ye as willing to repeal any act of your own ſetting-forth as any ſet-forth by your predeceſſors.

If

If ye be thus reſolved, (as it were injury to think ye were not,) I know not what ſhould withhold me from preſenting ye with a fit inſtance wherein to ſhow both that love of truth which ye eminently profeſs, and that uprightneſs of your judgment which is not wont to be partial to yourſelves; by judging over again that order which ye have ordained "to regulate printing; that no book, pamphlet, or paper, ſhall be henceforth printed, unleſs the ſame be firſt approved and licenſed by ſuch, or at leaſt one of ſuch, as ſhall be thereto appointed." For that part which preſerves juſtly every man's copy to himſelf, or provides for the poor, I touch not; only wiſh they be not made pretences to abuſe and perſecute honeſt and painful men, who offend not in either of theſe particulars. But that other clauſe of licenſing books, which we thought had died with his brother quadrageſimal and matrimonial when the prelates expired, I ſhall now attend with ſuch a homily, as ſhall lay before ye, firſt the inventors of it, to be thoſe whom ye will be loth to own; next, what is to be thought in general of reading, whatever ſort the books be; and that this order avails nothing to the ſuppreſſing of ſcandalous, ſeditious, and libellous books, which were mainly intended to be ſuppreſſed. Laſt, that it will be primely to the diſcouragement of all learning, and the ſtop of truth, not only by diſexerciſing and blunting our abilities, in what we know already, but by hindering and cropping the discovery that might be yet further made, both in religious and civil wiſdom.

The ordinance of Parliament against printing unlicensed books.

The plan and order of this diſcourse.

I deny not but that it is of greateſt concernment in the church and commonwealth, to have a vigilant eye how books demean themſelves as well as men; and thereafter to confine, impriſon, and do ſharpeſt juſtice on them as malefactors; for books are not abſolutely

The great influence of books on all publick affairs.

dead things, but do contain a potency of life in them to be as active as that ſoul was whoſe progeny they are; nay, they do preſerve, as in a vial, the pureſt efficacy and extraction of that living intellect that bred them. I know they are as lively, and as vigorouſly productive, as thoſe fabulous dragon's teeth; and, being ſown up and down, may chance to ſpring-up armed men. And yet, on the other hand, unleſs warineſs be uſed, as good almoſt kill a man as kill a good book: who kills a man kills a reaſonable creature, God's image; but he who deſtroys a good book, kills reaſon itſelf, kills the image of God, as it were, in the eye. Many a man lives a burden to the earth; but a good book is the precious life-blood of a maſter ſpirit, imbalmed and treaſured-up on purpoſe to a life beyond life. It is true, no age can reſtore a life, whereof perhaps there is no great loſs; and revolutions of ages do not oft recover the loſs of a rejected truth, for the want of which whole nations fare the worſe. We ſhould be wary therefore what perſecution we raiſe againſt the living labours of publick men, how we ſpill that ſeaſoned life of man, preſerved and ſtored-up in books; ſince we ſee a kind of homicide may be thus committed, ſometimes a martyrdom; and, if it extend to the whole impreſſion, a kind of maſſacre, whereof the execution ends not in the ſlaying of an elemental life, but ſtrikes at the æthereal and fifth eſſence, the breath of reaſon itſelf; ſlays an immortality rather than a life.

The ill conſequences of ſuppreſſing good ones.

But, leſt I ſhould be condemned of introducing licence, while I oppoſe licenſing, I refuſe not the pains to be ſo much hiſtorical, as will ſerve to ſhow what hath been done by ancient and famous commonwealths, againſt this diſorder, till the very time that this project of licenſing crept-out of the Inquiſition, was catched-up by our Prelates, and hath caught ſome of our Preſbyters.

A view of the methods taken by ancient commonwealths, to reſtrain the publication of pernicious books.

In

In Athens, where books and wits were ever buſier than in any other part of Greece, I find but only two ſorts of writings which the magiſtrate cared to take notice of; thoſe either blaſphemous and atheiſtical, or libellous. Thus the books of Protagoras were by the judges of Areopagus commanded to be burnt, and himſelf baniſhed the territory, for a diſcourſe, begun with his confeſſing not to know, "whether there were gods, or whether not." And againſt defaming, it was agreed that none ſhould be traduced by name, as was the manner of *Vetus Comœdia*, whereby we may gueſs how they cenſured libelling; and this courſe was quick enough, as Cicero writes, to quell both the deſperate wits of other atheiſts, and the open way of defaming, as the event ſhewed. Of other ſects and opinions, though tending to voluptuouſneſs, and the denying of Divine providence, they took no heed. Therefore we do not read that either Epicurus, or that libertine ſchool of Cyrene, or what the Cynic impudence uttered, was ever queſtioned by the laws. Neither is it recorded, that the writings of thoſe old comedians were ſuppreſſed, though the acting of them were forbid; and that Plato commended the reading of Ariſtophanes, the looſeſt of them all, to his royal ſcholar Dionyſius, is commonly known, and may be excuſed, if holy Chryſoſtom, as is reported, nightly ſtudied ſo much the ſame author, and had the art to cleanſe a ſcurrilous vehemence into the ſtyle of a roufing ſermon. In Athens.

That other leading city of Greece, Lacedæmon, conſidering that Lycurgus, their lawgiver, was ſo addicted to elegant learning, as to have been the firſt that brought out of Ionia the ſcattered works of Homer, and ſent the poet Thales from Crete to prepare and mollify the Spartan ſurlineſs with his ſmooth ſongs and odes, the better to plant among them law and civility; it is to be wondered how In Lacedæmon.

muſeleſs and unbookiſh they were, minding nought but the feats of war. There needed no licenſing of books among them; for they diſſiked all but their own laconic apothegms, and took a ſlight occaſion to chaſe Archilochus out of their city, perhaps for compoſing in a higher ſtrain than their own ſoldiery ballads and roundels could reach to; or, if it were for his broad verſes, they were not therein ſo cautious, but they were as diſſolute in their promiſcuous converſing; whence Euripides affirms in Andromache, that their women were all unchaſte. Thus much may give us light after what ſort of books were prohibited among the Greeks.

In Rome. The Romans alſo, for many ages trained-up only to a military roughneſs, reſembling moſt the Lacedæmonian guiſe, knew of learning little but what their twelve tables and the Pontific college, with their Augurs and Flamins, taught them in religion and law; ſo unacquainted with other learning, that when Carneades and Critolaus, with the Stoic Diogenes, coming Embaſſadors to Rome, took thereby occaſion to give the city a taſte of their Philoſophy, they were ſuſpected for ſeducers by no leſs a man than Cato the Cenſor, who moved it in the ſenate to diſmiſs them ſpeedily, and to baniſh all ſuch Attic babblers out of Italy. But Scipio and others of the nobleſt ſenators withſtood him and his old Sabin auſterity; honoured and admired the men; and the Cenſor himſelf at laſt, in his old age, fell to the ſtudy of that whereof before he was ſo ſcrupulous. And yet at the ſame time, Nævius and Plautus, the firſt Latin comedians, had filled the city with all the borrowed ſcenes of Menander and Philemon. Then began to be conſidered there alſo what was to be done to libellous books and authors: for Nævius was quickly caſt into priſon for his unbridled pen, and releaſed by the tribunes upon his recantation. We read alſo that

that libels were burnt, and the makers punished by Augustus. The like severity, no doubt, was used, if aught were impiously written against their esteemed gods. Except in these two points, how the world went in books, the magistrate kept no reckoning. And therefore Lucretius, without impeachment, versifies his Epicurism to Memmius, and had the honour to be set-forth the second time by Cicero, so great a father of the commonwealth; although himself disputes against that opinion in his own writings. Nor was the satirical sharpness, or naked plainness, of Lucilius, or Catullus, or Flaccus, by any order prohibited. And for matters of state, the story of Titus Livius, though it extolled that part which Pompey held, was not therefore suppressed by Octavius Cæsar, of the other faction. But that Naso was by him banished in his old age, for the wanton poems of his youth, was but a mere covent of state over some secret cause; and besides, the books were neither banished nor called-in. From hence we shall meet with little else but tyranny in the Roman empire, that we may not marvel, if not so often bad as good books were silenced. I shall therefore deem to have been large enough, in producing what among the ancients was so punishable to write, save only which, all other arguments were free to treat on.

How far, and in what manner, the publication of dangerous books was restrained, under the Roman Emperors, after they were become Christians.

By this time the Emperors were become Christians, whose discipline in this point I do not find to have been more severe than what was formerly in practice. The books of those whom they took to be grand Heretics, were examined, refuted, and condemned in the General Councils; and not till then were prohibited, or burnt by authority of the Emperor. As for the writings of heathen authors, unless they were plain invectives against Christianity, as those of Porphyrius and

Proclus, they met with no interdict that can be cited, till about the year 400, in a Carthaginian Council, wherein biſhops themſelves were forbid to read the books of Gentiles, but Hereſies they might read; while others, long before them, on the contrary ſcrupled more the books of Heretics, than of Gentiles. And that the primitive Councils and Biſhops were wont only to declare what books were not commendable, paſſing no further, but leaving it to each one's conſcience to read or to lay by, till after the year 800, is obſerved already by Padre Paolo, the great unmaſker of the Trentine Council. After which time the Popes of Rome, engroſſing what they pleaſed of political rule into their own hands, extended their dominion over men's eyes, as they had before over their judgments, burning, and prohibiting to be read, what they fancied not; yet ſparing in their cenſures, and the books not many which they ſo dealt with; till Martin the Fifth, by his bull not only prohibited, but was the firſt that excommunicated the readers of heretical books; for about that time Wickliffe and Huſſe, growing terrible, were they who firſt drove the Papal Court to a ſtricter policy of prohibiting. Which courſe Leo the Tenth and his ſucceſſors followed; until the Council of Trent, and the Spaniſh Inquiſition, engendering together, brought forth, or perfected, thoſe catalogues and expurging Indexes, that rake through the entrails of many an old good author, with a violation worſe than any could be offered to his tomb. Nor did they ſtay in matters heretical; but any ſubject, that was not to their palate, they either condemned in a prohibition, or had it ſtraight into the new Purgatory of an Index. To fill up the meaſure of encroachment, their laſt invention was to ordain that no book, pamphlet, or paper, ſhould

The Popes begun to prohibit the reading of books that they diſliked, about the year 900.

At laſt, about the time of the Council of

should be printed, (as if St. Peter had bequeathed them the keys of the preſs alſo as well as of Paradiſe) unleſs it were approved and licenſed under the hands of two or three glattonous friars. For example:

Trent, they ordained that no new book should be printed till it had been approved by a licenser.

Let the chancellor Cini be pleaſed to ſee if in this preſent work be contained aught that may withſtand the printing;

Vincent Rabbata, Vicar of Florence.

I have ſeen this preſent work, and find nothing athwart the catholic faith and good manners; in witneſs whereof I have given, &c.

Nicolo Cini, Chancellor of Florence.

Attending the precedent relation, it is allowed that this preſent work of Davanzati may be printed.

Vincent Rabatta, &c.

It may be printed, July 15.

Friar Simon Mompei d' Amelia, Chancellor of the Holy Office in Florence.

Sure they have a conceit, if he of the bottomleſs pit had not long ſince broke priſon, that the quadruple exorciſm would bar him down. I fear their next deſign will be to get into their cuſtody the licenſing of that which they ſay Claudius intended*, but went not through with. Vouchſafe to ſee another of their forms, the Roman ſtamp;

Imprimatur, If it ſeem good to the Reverend Maſter of the Holy Palace. Belcaſtro, Vicegerent.

Imprimatur, Friar Nicholo Rodolphi, Maſter of the Holy Palace.

* Quo veniam daret flatum crepitúmque ventris in convivio emittendi. Suetonius, in Claudio.

The Bishops, in imitation of the Popes, introduced this custom of Licensing into England.

Sometimes five Imprimaturs are seen together dialogue-wise in the piatza of one titlepage, complimenting and ducking each to other with their shaven reverences, whether the author, who stands-by in perplexity at the foot of his epistle, shall to the press or to the spunge. These are the pretty responsories,—these are the dear antiphonies,—that so bewitched of late our Prelates and their chaplains, with the goodly echo they made; and besotted us to the gay imitation of a lordly *Imprimatur*, one from Lambeth-house, another from the West end of Paul's; so apishly romanizing, that the word of command still was set-down in Latin; as if the learned grammatical pen that wrote it would cast no ink without Latin; or perhaps, as they thought, because no vulgar tongue was worthy to express the pure conceit of an *Imprimatur*; but rather, as I hope, for that our English, the language of men ever famous and foremost in the achievements of liberty, will not easily find servile letters enow to spell such a dictatory presumption Englished. And thus ye have the inventors, and the original, of book-licensing ripped-up, and drawn as lineally as any pedigree. We have it not, that can be heard-of, from any ancient State, or Polity, or Church, nor by any Statute left us by our ancestors, elder or later; nor from the modern custom of any reformed City, or Church, abroad; but from the most antichristian Council, and the most tyrannous Inquisition, that ever enquired. Till then books were ever as freely admitted into the world as any other birth; the issue of the brain was no more stifled than the issue of the womb; no envious Juno sat cross-legged over the nativity of any man's intellectual offspring; but, if it proved a monster, who denies but that it was justly burnt, or sunk into the sea? But that a book, in worse condition

dition than a peccant ſoul, ſhould be to ſtand before a jury ere it be born to the world, and undergo yet in darkneſs the judgment of Radamanth and his colleagues, ere it can paſs the ferry backward into light, was never heard before, till that myſterious iniquity, provoked and troubled at the firſt entrance of Information, ſought-out new Limboes and new Hells wherein they might include our books alſo within the number of their damned. And this was the rare morſel ſo officiouſly ſnatched-up, and ſo ill-favouredly imitated by our Inquiſiturient Biſhops, and the attendant Minorites, their chaplains. That ye like not now theſe moſt certain authors of this *licenſing* order, and that all ſiniſter intention was far diſtant from your thoughts, when ye were importuned the paſſing it, all men who know the Integrity of your actions, and how ye honour truth, will clear ye readily.

But ſome will ſay, "what though the inventors were bad? the thing for all that may be good." It may ſo; yet, if that thing be no ſuch deep invention, but obvious and eaſy for any man to light-on, and yet the beſt and wiſeſt commonwealths through all ages and occaſions have forborn to uſe it, and falſeſt ſeducers and oppreſſors of men were the firſt who took it up, and to no other purpoſe but to obſtruct and hinder the firſt approach of reformation; I am of thoſe who believe, it will be a harder alchymy than Lullius ever knew, to ſublimate any good uſe out of ſuch an Invention. Yet this only is what I requeſt to gain from this reaſon, "that it may be held a dangerous and ſuſpicious fruit, (as certainly it deſerves, for the tree that bore it,) until I can diſſect, one by one, the properties it has." But I have firſt to finiſh, as was propounded, what is to be thought in general of reading books, whatever ſort they

Of the effect of reading all ſorts of books, and whether it does moſt good or harm.

they be, and whether be more the benefit or the harm that thence proceeds.

Not to inſiſt upon the examples of Moſes, Daniel, and Paul, who were ſkilful in all the learning of the Egyptians, Chaldeans, and Greeks, which could not probably be without reading their books of all ſorts, in Paul eſpecially, who thought it no defilement to inſert into holy ſcripture the ſentences of three Greek poets, and one of them a tragedian. The queſtion was notwithſtanding ſometimes controverted among the primitive doctors; but with great odds on that ſide which affirmed it both lawful and profitable; as was then evidently perceived, when Julian, the Apoſtate, and ſubtleſt enemy to our faith, made a decree forbidding Chriſtians the ſtudy of heathen learning; "for, ſaid he, they "wound us with our own weapons, and with our own "arts and ſciences they overcome us." And indeed the Chriſtians were put ſo to their ſhifts by this crafty means, and ſo much in danger to decline into all ignorance, that the two Apollinarii were fain, as a man may ſay, to coin all the ſeven liberal ſciences out of the Bible, reducing it into divers forms of orations, poems, dialogues, even to the calculating of a new chriſtian grammar. But, ſaith the hiſtorian Socrates, the Providence of God provided better than the induſtry of Apollinarius and his ſon, by taking away that illiterate law with the life of him who deviſed it. So great an injury they then held it to be deprived of Hellenic learning; and thought it a perſecution more undermining, and ſecretly decaying the church, than the open cruelty of Decius or Dioclefian. And perhaps it was with the ſame politic drift that the devil whipped St. Jerom in a lenten dream, for reading Cicero; or elſe it was a phantaſm, bred by the fever which had then ſeized him.

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him. For had an angel been his diſciplíner, unleſs it were for dwelling too much on Ciceronianiſms, and had chaſtiſed the reading, not the vanity, it had been plainly partial; firſt to correct him for grave Cicero, and not for ſcurril Plautus, whom he confeſſes to have been reading not long before; next to correct *him* only, and let ſo many more ancient fathers wax old in thoſe pleaſant and florid ſtudies without the laſh of ſuch a tutoring apparition; inſomuch that Baſil teaches how ſome good uſe may be made of Margites, a ſportful poem, not now extant, writ by Homer; and why not then of Morgante, an Italian romance much to the ſame purpoſe? But, if it be agreed we ſhall be tried by viſions, there is a viſion recorded by Euſebius, far ancienter than this tale of Jerom, to the nun Euſtochium, and beſides, has nothing of a fever in it. Dionyſius Alexandrinus was, about the year 240, a perſon of great name in the church, for piety and learning, who had wont to avail himſelf much againſt heretics, by being converſant in their books; until a certain preſbyter laid it ſcrupulouſly to his conſcience, how he durſt venture himſelf among thoſe defiling volumes. The worthy man, loth to give offence, fell into a new debate with himſelf what was to be thought; when ſuddenly a viſion ſent from God, (it is his own epiſtle that avers it,) confirmed him in theſe words: "Read any books whatever, that come to thy hands; for thou art ſufficient both to judge aright, and to examine each matter." To this revelation he aſſented the ſooner, as he confeſſes, becauſe it was anſwerable to that of the Apoſtle to the Theſſalonians; "Prove all things, hold faſt that which is good." And he might have added another remarkable ſaying of the ſame author: "To the pure, all things are pure;" not only meats and drinks,

drinks, but all kind of knowledge, whether of good or evil; the knowledge cannot defile, nor conſequently the books, if the will and conſcience be not defiled. For books are as meats and viands are; ſome of good, ſome of evil ſubſtance; and yet God in that unapocryphal viſion ſaid without exception, "Riſe, Peter; kill and eat;" leaving the choice to each man's diſcretion. Wholeſome meats to a vitiated ſtomach differ little or nothing from unwholeſome; and beſt books to a naughty mind are not unapplicable to occaſions of evil. Bad meats will ſcarce breed good nouriſhment in the healthieſt concoction; but herein the difference is of bad books, that they to a diſcreet and judicious reader ſerve in many reſpects to diſcover, to confute, to forewarn, and to illuſtrate. Whereof what better witneſs can ye expect I ſhould produce, than one of your own body, now ſitting in parliament, the chief of learned men reputed in this land, Mr. Selden; whoſe volume of natural and national laws proves, not only by great authorities brought together, but by exquiſite reaſons and theorems almoſt mathematically demonſtrative, that all opinions, yea errours, known, read, and collated, are of main ſervice and aſſiſtance toward the ſpeedy attainment of what is trueſt. I conceive, therefore, that, when God did enlarge the univerſal diet of man's body (ſaving ever the rules of temperance,) he then alſo, as before, left arbitrary the dieting and repaſting of our minds, as wherein every mature man might have to exerciſe his own leading capacity. How great a virtue is temperance, how much of moment through the whole life of man! Yet God commits the managing ſo great a truſt without particular law or preſcription, wholly to the demeanour of every grown man. And therefore, when he himſelf tabled the Jews from Heaven, that omer,

The liberty of chuſing what books to read, as well as that of chuſing what meats to feed on, ought to be left to every man's own diſcretion.

which

which was every man's daily portion of manna, is computed to have been more than might have well ſufficed the heartieſt feeder thrice as many meals. For thoſe actions which enter into a man, rather than iſſue out of him, and therefore defile not, God uſes not to captivate under a perpetual childhood of preſcription, but truſts him with the gift of reaſon to be his own chooſer. There were but little work left for preaching, if Law and Compulſion ſhould grow ſo faſt upon thoſe things which heretofore were governed only by Exhortation. Solomon informs us, that "much reading is a wearineſs to the fleſh:" but neither he, nor any other inſpired author, tells us that ſuch, or ſuch, reading is unlawful. Yet certainly, had God thought good to limit us herein, it had been much more expedient to have told us what was unlawful, than what was wearisome. As for the burning of thoſe Epheſian books by St. Paul's converts; it is replied, the books were magic, the Syriac ſo renders them. It was a private act, a voluntary act, and leaves us to a voluntary imitation: the men in remorſe burnt thoſe books which were their own; the magiſtrate by this example is not appointed: theſe men practiſed the books; another might perhaps have read them in ſome ſort uſefully. Good and Evil, we know, in the field of this world grow-up together almoſt inſeparably; and the knowledge of good is ſo involved and interwoven with the knowledge of evil, and in ſo many cunning reſemblances hardly to be diſcerned, that thoſe confuſed ſeeds which were impoſed upon Pſyche as an inceſſant labour to cull-out, and ſort-aſunder, were not more intermixed. It was from out the rind of one apple taſted, that the knowledge of Good and Evil, as two twins cleaving-together, leaped-forth into the world. And, perhaps, this is that doom, which Adam fell into,

of

of knowing good and evil, that is to ſay, of knowing Good by Evil. As therefore the ſtate of man now is; what wiſdom can there be to chooſe, what continence to forbear, without the knowledge of evil? He that can apprehend and conſider vice with all her baits and ſeeming pleaſures, and yet abſtain, and yet diſtinguiſh, and yet prefer, that which is truly better, he is the true warfaring Chriſtian. I cannot praiſe a fugitive and cloiſtered virtue, unexerciſed and unbreathed; that never fallies-out and ſees her adverſary, but ſlinks out of the race, where that immortal garland is to be run-for, not without duſt and heat. Aſſuredly we bring not innocence into the world; we bring impurity much rather: that which purifies us is Trial; and Trial is by what is contrary. That virtue therefore which is but a youngling in the contemplation of evil, and knows not the utmoſt that vice promiſes to her followers, and rejects it, is but a blank virtue, not a pure; her whiteneſs is but an excremental whiteneſs; which was the reaſon why our ſage and ſerious poet Spenſer, (whom I dare be known to think a better teacher than Scotus or Aquinas,) deſcribing true Temperance under the perſon of Guion, brings him in with his palmer through the cave of Mammon, and the power of earthly bliſs; that he might ſee and know, and yet abſtain. Since therefore the knowledge and ſurvey of vice is in this world ſo neceſſary to the conſtituting of human virtue; and the ſcanning of errour to the confirmation of truth; how can we more ſafely, and with leſs danger, ſcout into the regions of ſin and falſity, than by reading all manner of tractates, and hearing all manner of reaſon? And this is the benefit which may be had of books promiſcuouſly read.

But of the harm that may reſult hence, three kinds are uſually reckoned. Firſt, is feared the infection

fection that may ſpread. But then, all human learning and controverſy in religious points muſt remove out of the world; yea, the Bible itſelf: for that ofttimes relates blaſphemy not nicely; it deſcribes the carnal ſenſe of wicked men not unelegantly; it brings-in holieſt men paſſionately murmuring againſt Providence through all the arguments of Epicurus: in other great diſputes it anſwers dubiouſly and darkly to the common reader; and aſk a Talmudiſt what ails the modeſty of his marginal Keri, that Moſes and all the prophets cannot perſuade him to pronounce the textual Chetiv. For theſe cauſes we all know the Bible itſelf is put by the papiſt into the firſt rank of prohibited books. The ancienteſt fathers muſt be next removed, as Clement of Alexandria, and that Euſebian book of Evangelic Preparation, tranſmitting our ears through a board of heatheniſh obſcenities, to receive the goſpel. Who finds not that Irenæus, Epiphanius, Jerom, and others, diſcover more hereſies than they well confute, and take that oft for hereſy which is the truer opinion? Nor boots it to ſay for these, and all the heathen writers of greateſt infection (if it muſt be thought ſo,) with whom is bound-up the life of human learning, that they writ in an unknown tongue, so long as we are ſure thoſe languages are known as well to the worſt of men, who are both moſt able, and moſt diligent, to inſtil the poiſon they ſuck, firſt, into the courts of princes, acquainting them with the choiceſt delights, and criticiſms of ſin. As perhaps did that Petronius, whom Nero called his *arbiter*, the maſter of his revels; and that notorious ribald of Arezzo, dreaded and yet dear to the Italian courtiers. I name not him for poſterity's ſake, whom Henry the Eighth named in merriment his *vicar of Hell*. By which compendious way all the contagion

contagion that foreign books can infuſe will find a paſſage to the people far eaſier and ſhorter than an Indian voyage, (though it could be ſailed either by the north of Cataio eaſtward, or of Canada weſtward,) while our Spaniſh Licenſing gags the Engliſh preſs never ſoſſevere-ly. But on the other ſide, that infection which is from books of controverſy in religion, is more doubtful and dangerous to the learned, than to the ignorant; and yet thoſe books muſt be permitted untouched by the Licenſer. It will be hard to inſtance where any ignorant man hath been ever ſeduced by any papiſtical book in Engliſh, unleſs it were commended and expounded to him by ſome of that clergy; and indeed all ſuch tractates, whether falſe or true, are as the prophecy of Iſaiah was to the Eunuch, not to be "underſtood without a guide." But of our prieſts and doctors how many have been corrupted by ſtudying the comments of Jeſuits and Sorboniſts, and how faſt they could transfuſe that corruption into the people, our experience is both late and ſad. It is not forgot, ſince the acute and diſtinct Arminius was perverted merely by the peruſing of a nameleſs diſcourſe written at Delft, which at firſt he took in hand to confute. Seeing therefore that thoſe books, and thoſe in great abundance which are likelieſt to taint both life and doctrine, cannot be ſuppreſſed without the fall of learning, and of all ability in diſputation, and that theſe books of either ſort are moſt and ſooneſt catching to the learned, (from whom to the common people whatever is heretical or diſſolute may quickly be conveyed,) and that evil manners are as perfectly learnt without books in a thouſand other ways which cannot be ſtopped, and evil doctrine not with books can propagate, except a teacher guide, which he might alſo do without writing, and ſo beyond prohibiting;

ing; I am not able to unfold, how this cautelous enterprize of Licenſing can be exempted from the number of vain and impoſſible attempts. And he who were pleaſantly diſpoſed, could not well avoid to liken it to the exploit of that gallant man, who thought to pound-up the crows by ſhutting his park-gate. Beſides another inconvenience, if learned men be the firſt receivers out of books, and diſpreaders both of vice and errour, how ſhall the Licenſers themſelves be confided-in, unleſs we can confer upon them, or they aſſume to themſelves, above all others in the land, the grace of infallibility and uncorruptedneſs? And again, if it be true, that a wiſe man, like a good refiner, can gather gold out of the droſſieſt volume, and that a fool will be a fool with the beſt book, yea, or without any book; there is no reaſon that we ſhould deprive a wiſe man of any advantage to his wiſdom, while we ſeek to reſtrain from a fool that which, being reſtrained, will be no hinderance to his folly. For, if there ſhould be ſo much exactneſs always uſed to keep that from him which is unfit for his reading, we ſhould, in the judgment, not only of Ariſtotle, but of Solomon, and of our Saviour, not vouchſafe him good precepts, and by conſequence not willingly admit him to good books; as being certain that a wiſe man will make a better uſe of an idle pamphlet, than a fool will do of ſacred ſcripture.

It is next alledged, that we muſt not expoſe our ſelves to temptations without neceſſity; and next to that, not employ our time in vain things. To both theſe objections one anſwer will ſerve, out of the grounds already laid, "that to all men ſuch books are not temptations, nor vanities: but [to many are] uſeful drugs and materials wherewith to temper and compoſe effective and ſtrong medicines, which man's life cannot want." The reſt,

as children and childiſh men, who have not the art to qualify and prepare theſe working minerals, well may be *exhorted* to forbear; but *hindered forcibly* they cannot be, by all the Licenſing that ſainted Inquiſition could ever yet contrive: which is what I promiſed to deliver next: that this order of Licenſing conduces nothing to the end for which it was framed; and hath almoſt prevented me, by being clear already, while thus much hath been explaining.

See the ingenuity of Truth! who, when ſhe gets a free and willing hand, opens herſelf faſter than the pace of Method and Diſcourſe can overtake her. It was the taſk which I began with, to ſhow that no Nation or well-inſtituted State, if they valued books at all, did ever uſe this way of Licenſing; and it might be anſwered, "that this is a piece of Prudence lately diſcovered." To which I return, that, as it was a thing ſlight and obvious to think-on, ſo, if it had been difficult to find-out, there wanted not among them long ſince, who ſuggeſted ſuch a courſe; which they not following, leave us a pattern of their judgment, that it was not "the not knowing," but "the not approving," which was the cauſe of their not uſing it. Plato, (a man of high authority indeed, but leaſt of all for his *Commonwealth*,) in the book of his Laws, (which no City ever yet received,) fed his fancy with making many Edicts to his airy burgomaſters, which they who otherwiſe admire him, wiſh had been rather buried and excuſed in the genial cups of an academic night-ſitting. By which laws he ſeems to tolerate no kind of Learning, but, by unalterable decree, conſiſting moſt of practical traditions, to the attainment whereof a library of ſmaller bulk than his own Dialogues would be abundant. And there alſo enacts, that no poet ſhould ſo much as read to any private man what he had written, until

An examination of what Plato says upon this subject in his book *De Republicâ*.

until the Judges and Law-keepers had ſeen it, and allowed it. But that Plato meant this law peculiarly to that Commonwealth which he had imagined, and to no other, is evident. Why was he not elſe a lawgiver to himſelf, but a tranſgreſſor, and to be expelled by his own magiſtrates, both for the wanton epigrams and dialogues which he made, and his perpetual reading of Sophron, Mimus, and Ariſtophanes, books of groſſeſt infamy; and alſo for commending the latter of them, (though he were the malicious libeller of his chief friends,) to be read by the tyrant Dionyſius, who had little need of ſuch traſh to ſpend his time on? But that he knew this Licenſing of poems had reference and dependance to many other proviſoes, there ſet-down in his fancied Republic, which in this world could have no place; and ſo neither he himſelf, nor any Magiſtrate, or City, ever imitated that courſe, which, taken apart from thoſe other collateral injunctions, muſt needs be vain and fruitleſs. For, if they fell upon one kind of ſtrictneſs, unleſs their care were equal to regulate all other things of like aptneſs to corrupt the mind, that ſingle endeavour, they knew, would be but a fond labour; to ſhut and fortify one gate againſt corruption, and be neceſſitated to leave others round-about wide-open. If we think to regulate printing, thereby to rectify manners, we muſt regulate all recreations and paſtimes, all that is delightful to man. No muſic muſt be heard, no ſong be ſet, or ſung, but what is grave and Doric. There muſt be Licenſing dancers, that no geſture, motion, or deportment, be taught our youth, but what, by their allowance, ſhall be thought honeſt; for ſuch Plato was provided-of. It will aſk more than the work of twenty Licenſers to examine all the lutes, the violins, and guitars in every houſe; they muſt not be

ſuffered to prattle as they do, but muſt be Licenſed what they may ſay. And who ſhall ſilence all the airs and madrigals that whiſper ſoftneſs in chambers? The windows alſo, and the balconies, muſt be thought-on; there are ſhrewd books, with dangerous frontiſpieces, ſet to ſale; who ſhall prohibit them? ſhall twenty Licencers? The villages alſo muſt have their viſitors to inquire what lectures the bagpipe, and the rebec, reads, even to the ballatry and the gamut of every municipal fidler; for theſe are the countryman's Arcadias, and his Monte Mayors. Next, what more national corruption, for which England hears ill abroad, than houſehold-gluttony? who ſhall be the rectors of our daily rioting? and what ſhall be done to inhibit the multitudes, that frequent thoſe houſes where drunkenneſs is ſold and harboured? Our garments alſo ſhould be referred to the Licenſing of ſome more ſober workmaſters, to ſee them cut into a leſs wanton garb. Who ſhall regulate all the mixed converſation of our youth, male and female together, as is the faſhion of this country? Who ſhall ſtill appoint what ſhall be diſcourſed, what preſumed, and no further? Laſtly, who ſhall forbid and ſeparate all idle reſort, all evil company? Theſe things will be, and muſt be. But how they ſhall be leaſt hurtful, how leaſt enticing, herein conſiſts the grave and governing wiſdom of a State. To ſequeſter out of the world into Atlantic and Eutopian politics, which never can be drawn into uſe, will not mend our condition; but to ordain wiſely, as in this world of evil, in the midſt whereof God hath placed us unavoidably. Nor is it Plato's Licenſing of books will do this, which neceſſarily pulls along with it ſo many other kinds of Licenſing, as will make us all both ridiculous and weary, and yet fruſtrate; but thoſe unwritten,

unwritten, or, at leaſt, unconſtraining, laws of virtuous education, religious and civil nurture, which Plato there mentions, as the bonds and ligaments of the Commonwealth, the pillars and the ſuſtainers of every written ſtatute; theſe they be, which will bear chief ſway in ſuch matters as theſe, when all Licenſing will be eaſily eluded. Impunity and remiſſneſs, for certain, are the bane of a Commonwealth: But here the great Art lies, "to diſcern in what the law is to bid reſtraint and puniſhment, and in what things perſuaſion only is to work." If every action which is good or evil in man at ripe years, were to be under pittance, preſcription, and compulſion, what were Virtue but a name? what praiſe could be then due to well-doing? what gramercy to be ſober, juſt, or continent? Many there be that complain of Divine Providence for ſuffering Adam to tranſgreſs. Fooliſh tongues! when God gave him reaſon, he gave him freedom to chooſe; for reaſon is but chooſing; he had been elſe a mere artificial Adam, ſuch an Adam as he is in the motions *. We ourſelves eſteem not of that obedience, or love, or gift, which is of force. God therefore left him free, and ſet before him a provoking object, ever almoſt in his eyes: herein conſiſted his merit, herein the right of his reward, the praiſe of his abſtinence. Wherefore did he create paſſions within us, pleaſures round about us, but that theſe, rightly tempered, are the very ingredients of Virtue? They are not ſkilful conſiderers of human things, who imagine to remove ſin, by removing the matter of ſin; for, (beſides that it is a huge heap, increaſing under the very act of diminiſhing,) though ſome part of it may, for a time, be withdrawn from ſome perſons, it cannot from all, in ſuch a univerſal thing as books are; and, when this is done, yet the ſin remains

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* That is, in puppet ſhews.

entire. Though ye take from a covetous man all his treaſure, he has yet one jewel left; ye cannot bereave him of his covetouſneſs. Baniſh all objects of luſt; ſhut-up all youth into the ſevereſt diſcipline that can be exerciſed in any hermitage; ye cannot make them chaſte, that came not thither ſo: ſuch great care and wiſdom is required to the right managing of this point. Suppoſe we could expel ſin by this means; look, how much we thus expel of ſin, ſo much we expel of virtue; for the matter of them both is the ſame: remove that, and ye remove them both alike. This juſtifies the high Providence of God; who, though he commands us temperance, juſtice, continence, yet pours-out before us, even to a profuſeneſs, all deſirable things, and gives us minds that can wander beyond all limit and ſatiety. Why ſhould we then affect a rigour contrary to the manner of God and of nature, by abridging, or ſcanting, thoſe means, which books, freely permitted, are, both to the trial of virtue, and the exerciſe of truth? It would be better done, to learn that the law muſt needs be frivolous, which goes to reſtrain things, uncertainly, and yet equally, working to Good and to Evil. And, were I the chooſer, a dram of well-doing ſhould be preferred * before many times as much the forcible hinderance of evil-doing. For God, ſure, eſteems the growth and compleating of one virtuous perſon, more than the reſtraint of ten vicious. And, albeit whatever we hear or ſee, ſitting, walking, travelling, or converſing, may be fitly called *our book*, and is of the ſame effect that writings are; yet, grant the thing to be prohibited were only books, it appears that this Order hitherto is far inſufficient to the end which it intends.

The Ordinance against printing books without a Licenſe, is not ſufficient to pre-

* This ſentiment agrees with that which is expreſſed by Horace in the two following verſes:

Oderunt peccare Boni virtutis amore;
Tu nihil admittes in te formidine pœnæ.

Do

Do we not ſee, not once or oftener, but weekly, that continued Court-libel againſt the Parliament and City, printed, (as the wet ſheets can witneſs,) and diſperſed among us, for all that Licenſing can do? Yet this is the prime ſervice, a man would think, wherein this Order ſhould give proof of itſelf. "If it were executed," you will ſay. But certain, if execution be remiſs, or blindfold, now, and in this particular, what will it be hereafter, and in other books? If then the order ſhall not be vain and fruſtrate, behold a new labour, Lords and Commons! ye muſt repeal and proſcribe all ſcandalous and unlicenſed books already printed and divulged: after ye have drawn them up into a liſt, that all may know which are comdemned, and which not; and [ye muſt] ordain that no foreign books be deliverrd out of cuſtody, till they have been read-over. This office will require the whole time of not a few overſeers, and thoſe no vulgar men. There be alſo books which are partly uſeful and excellent, partly culpable and pernicious; this work will aſk as many more Officials, to make expurgations and expunctions, that the commonwealth of learning be not damnified. In fine, when the multitude of books increaſes upon their hands, ye muſt be fain to catalogue all thoſe printers who are found frequently offending, and forbid the importation of their whole ſuſpected typography. In a word, that this your Order may be exact, and not deficient, ye muſt reform it perfectly according to the model of Trent and Sevil; which, I know, ye abhor to do. Yet, though ye ſhould condeſcend to this, (which God forbid!) the Order ſtill would be but fruitleſs and defective to that end whereto ye meant it. If to prevent ſects and ſchiſms, who is ſo unread, or uncatechiſed, in ſtory that hath not heard of many ſects refuſing books as a hindrance, and preſerving their doctrine unmixed, for

vent the printing of ſeditious books, though that was the principal reason for making it.

To make it effectual, it must be formed compleatly upon the model of the Licenſing ordinances of the Inquiſition.

These reſtraints upon the liberty of the preſs will neither prevent the growth of Sects and

Schisms, nor contribute to the amendment of the manners of the people.

many ages, only by unwritten traditions? The chriſtian faith, (for that was once a Schiſm!) is not unknown to have ſpread all over Aſia, ere any Goſpel or Epiſtle was ſeen in writing. If the amendment of manners be aimed-at, look into Italy and Spain, whether thoſe places be one ſcruple the better, the honeſter, the wiſer, the chaſter, ſince all the Inquiſitional rigour that hath been executed upon books.

It is almost impossible to find persons properly qualified to be Licensers, that will undertake the office.

Another reaſon, whereby to make it plain that this Order will miſs the end it ſeeks, conſider by the qualiſty which ought to be in every Licenſer. It cannot be denied, but that he who is made judge to ſit upon the birth or death of books, whether they may be wafted into this world or not, had need to be a man, above the common meaſure, both ſtudious, learned, and judicious: there may be elſe no mean miſtakes in the cenſure of what is paſſable, or not; which is alſo no mean injury. If he be of ſuch worth as behoves him, there cannot be a more tedious and unpleaſing journeywork, a greater loſs of time levied upon his head, than to be made the perpetual reader of unchoſen books and pamphlets, oft-times huge volumes. There is no book that is acceptable, unleſs at certain ſeaſons; but to be enjoined the reading of that at all times, and in a hand ſcarce legible, whereof three pages would not down at any time in the faireſt print, is an impoſition which I cannot believe how he that values time, and his own ſtudies, or is but of a ſenſible noſtril, ſhould be able to endure. In this one thing I crave leave of the preſent Licenſers to be pardoned for ſo thinking; who, doubtleſs, took this office up, looking on it through their obedience to the Parliament; whoſe command, perhaps, made all things ſeem eaſy and unlaborious to them. But that this ſhort trial hath wearied them out already, their own expreſſions and excuſes,

excuſes, to them who make ſo many journeys to ſollicit their Licence, are teſtimony enough. Seeing therefore that thoſe who now poſſeſs the employment, by all evident ſigns, wiſh themſelves well rid of it, and that no man of worth, none that is not a plain unthrift of his own hours, is ever likely to ſucceed them, except he mean to put himſelf to the ſalary of a preſs-corrector; we may eaſily foreſee what kind of Licenſers we are to expect hereafter; either ignorant, imperious, and remiſs, or baſely pecuniary. This is what I had to ſhow, wherein this Order cannot conduce to that end, whereof it bears the intention.

The Ordinance against printing books without a licenſe, is a great diſcouragement to Learning and Learned men.

I laſtly proceed from the *no good* it can do, to the *manifeſt hurt* it cauſes, in being, firſt, the greateſt diſcouragement and affront that can be offered to Learning and to Learned men. It was the complaint and lamentation of Prelates, upon every the leaſt breath of a motion to remove Pluralities, and diſtribute more equally the Church-revenues, "that then all Learning would be for ever daſhed and diſcouraged." But as for that opinion, I never found cauſe to think, that the tenth part of Learning ſtood, or fell, with the Clergy: nor could I ever but hold it for a ſordid and unworthy ſpeech of any Churchman, who had a competency left him. If therefore ye be loth to diſhearten utterly and diſcontent, not the mercenary crew of falſe pretenders to learning, but the free and ingenuous ſort of ſuch as evidently were born to ſtudy and love Learning for itſelf, not for lucre, or any other end, but the ſervice of God and of Truth, and perhaps that laſting Fame and perpetuity of praiſe, which God and good men have conſented ſhall be the reward of thoſe, whoſe publiſhed Labours advance the good of mankind: then know, that ſo far to diſtruſt the judgment and the honeſty of one who hath

hath but a common repute in learning, and never yet offended, as not to count him fit to print his mind without a Tutor and Examiner, leſt he ſhould drop a ſchiſm, or ſomething of corruption, is the greateſt diſpleaſure and indignity to a free and knowing ſpirit, that can be put upon him. What advantage is it to be a man, over it is to be a boy at ſchool, if we have only eſcaped the ferula, to come under the feſcue of an Imprimatur? If ſerious and elaborate writings, as if they were no more than the theme of a grammar-lad under his pedagogue, muſt not be uttered without the curſory eyes of a temporizing and extemporizing Licenſer? He who is not truſted with his own actions, his drift not being known to be evil, and ſtanding to the hazard of law and penalty, has no great argument to think himſelf reputed in the commonwealth wherein he was born, for other than a fool or a foreigner. When a man writes to the world, he ſummons-up all his reaſon and deliberation to aſſiſt him; he ſearches, meditates, is induſtrious, and likely conſults and confers with his judicious friends; after all which done, he takes himſelf to be informed in what he writes, as well as any that writ before him; if in this, the moſt conſummate act of his fidelity and ripeneſs, no years, no induſtry, no former proof of his abilities, can bring him to that ſtate of maturity, as not to be ſtill miſtruſted and ſuſpected, unleſs he carry all his conſiderate diligence, all his midnight watching, and expenſe of Palladian oil, to the haſty view of an unleiſured Licenſer, perhaps much his younger, perhaps far his inferior in judgment, perhaps one who never knew the labour of book-writing; and, if he be not repulſed, or ſlighted, muſt appear in print like a puny with his Guardian, and his Cenſor's hand on the back of his title,

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title, to be his bail and surety, that he is no ideot or seducer; it cannot be but a dishonour and derogation to the author, to the book, to the privilege and dignity of Learning. And what if the author shall be one so copious of fancy, as to have many things, well worth the adding, come into his mind after Licensing, while the book is yet under the press, (which not seldom happens to the best and diligentest writers;) and that perhaps a dozen times in one book? The printer dares not go beyond his Licensed copy; so often then must the author trudge to his Leave-giver, that those his new insertions may be viewed; and many a jaunt will be made, 'ere that Licenser, (for it must be the same man,) can either be found, or found at leisure. Mean while either the press must stand still, (which is no small damage,) or the author lose his accuratest thoughts, and send the book forth worse than he had made it; which to a diligent writer is the greatest melancholy and vexation that can befall. And how can a man teach with authority, which is the life of teaching; how can he be a doctor in his book (as he ought to be, or else had better be silent,) whenas all he teaches, all he delivers, is but under the tuition, under the correction of his patriarchal Licenser, to blot or alter what precisely accords not with the hide-bound humour which he calls his judgment? When every acute reader, upon the first sight of a pedantic Licence, will be ready, with these like words, to ding the book a coit's distance from him, "I hate a pupil teacher, I endure not an instructor that comes to me under the wardship of an over-seeing fist. I know nothing of the Licenser, but that I have his own hand here for his arrogance; who shall warrant me his Judgement?" "The State, sir," replies the stationer: but has a quick return, "the State shall

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ſhall be my Governors, but not my Critics; they may be miſtaken in the choice of a Licenſer, as eaſily as this Licenſer may be miſtaken in an author. This is ſome common ſtuff;" and he might add from ſir Francis Bacon, that "ſuch authorized books are but the lan-
N. B. guage of the times." For, though a Licenſer ſhould happen to be judicious more than ordinary, (which will be a great jeopardy of the next ſucceſſion,) yet his very office, and his commiſſion, enjoins him to let paſs nothing but what is vulgarly received already. Nay, which is more lamentable, if the work of any deceaſed author, (though never ſo famous in his lifetime, and even to this day,) comes to their hands for Licence to be printed, or reprinted, if there be found in his book one ſentence of a venturous edge, uttered in the height of zeal, (and who knows whether it might not be the dictate of a divine ſpirit?) yet not ſuiting with every low, decrepit, humour of their own, (though it were Knox himſelf, the reformer of a kingdom, that ſpake it,) they will not pardon him their daſh; the ſenſe of that great man ſhall to all poſterity be loſt, for the fearfulneſs, or the preſumptuous raſhneſs, of a perfunctory Licenſer. And to what an author this violence hath been lately done, and in what book of greateſt conſequence to be faithfully publiſhed, I could now inſtance, but ſhall forbear till a more convenient ſeaſon. Yet, if theſe things be not reſented ſeriouſly and timely by them who have the remedy in their power, but that ſuch iron-moulds as theſe ſhall have authority to gnaw out the choiceſt periods of exquiſiteſt books, and to commit ſuch a treacherous fraud againſt the orphan remainders of worthieſt men after death, the more ſorrow will belong to that hapleſs race of men, whoſe misfortune it is to have underſtanding. Henceforth

forth let no man care to learn, or care to be more than worldly-wise; for, certainly, in higher matters to be ignorant and ſlothful, to be a common, ſteadfaſt, dunce, will be the only pleaſant life, and only in requeſt.

And, as it is a particular diſeſteem of every knowing perſon alive, and moſt injurious to the written labours and monuments of the dead, ſo to me it ſeems an undervaluing and vilifying of the whole Nation. I cannot ſet ſo light by all the Invention, the Art, the Wit, the grave and ſolid Judgment, which is in England, as that it can be comprehended in any twenty capacities, how good ſoever; much leſs that it ſhould not paſs, except their ſuperintendence be over it,—except it be ſifted and ſtrained with their ſtrainers,—that it ſhould be uncurrent without their manual ſtamp. Truth and Underſtanding are not ſuch wares as to be monopolized and traded-in by tickets, and ſtatutes, and ſtandards. We muſt not think to make a ſtaple commodity of all the Knowledge in the land, to mark and Licenſe it like our broad-cloth and our woolpacks. What is it but a ſervitude, like that impoſed by the Philiſtines, not to be allowed the ſharpening of our own axes and coulters, but we muſt repair from all quarters to twenty Licenſing forges? Had any one written and divulged erroneous things and ſcandalous to honeſt life, miſuſing and forfeiting the eſteem had of his reaſon among men,—if, after conviction, this only cenſure were adjudged him, "that he ſhould never henceforth write, but what were firſt examined by an appointed officer, whoſe hand ſhould be annexed to paſs his credit for him, that now he might be ſafely read;" it could not be apprehended leſs than a diſgraceful puniſhment. Whence, to include the whole Nation, and thoſe that never yet thus offended, under ſuch a diffident

This reſtraint is an indignity offered to the whole people of England, by ſuppoſing them to be ſo ignorant, weak, and unſteady, as to be in danger of being led aſtray, by every new book that is publiſhed.

a diffident and ſuſpectful prohibition, may plainly be underſtood what a diſparagement it is. So much the more, whenas debtors and delinquents may walk-abroad without a keeper, but unoffensive books muſt not ſtir-forth without a viſible jailor in their title. Nor is it to the common people leſs than a reproach; for, if we be ſo jealous over them as that we dare not truſt them with an Engliſh pamphlet, what do we but cenſure them for a giddy, vicious, and ungrounded people; in ſuch a ſick and weak eſtate of faith and diſcretion, as to be able to take nothing down but through the pipe of a Licenſer? That this is care, or love, of them, we cannot pretend; whenas in thoſe Popiſh places, where the laiety are moſt hated and deſpiſed, the ſame ſtrictneſs is uſed over them. Wiſdom we cannot call it; becauſe it ſtops but one breach of licence; nor that neither: whenas thoſe corruptions, which it ſeeks to prevent, break-in faſter at other doors, which cannot be ſhut.

It is also a disgrace to the ministers by supposing them not to have so instructed their flocks as to make them proof against the influeuce of bad books.

And in concluſion, it reflects to the diſrepute of our miniſters alſo, of whoſe labours we ſhould hope better, and of the proficiency which their flock reaps by them, than that, after all this Light of the Goſpel which is, and is to be, and all this continual preaching, they ſhould be ſtill frequented with ſuch an unprincipled, unedified, and la-ic, rabble, as that the whiff of every new pamphlet ſhould ſtagger them out of their Catechiſm and Chriſtian walking. This may have much reaſon to diſcourage the miniſters, when ſuch a low conceit is had of all their exhortations, and the benefiting of their hearers, as that they are not thought fit to be turned looſe to three ſheets of paper without a Licenſer; that all the ſermons, all the lectures, preached, printed, and vended, in ſuch numbers, and ſuch volumes, as have

now

now well-nigh made all other books unſaleable, ſhould not be armour enough againſt one ſingle Enchiridion, without the caſtle of St. Angelo of an *Imprimatur.*

And, leſt ſome ſhould perſuade ye, Lords and Commons, that theſe arguments of learned men's diſcouragement at this your Order are mere flouriſhes, and not real, I could recount what I have ſeen and heard in other countries, where this kind of Inquiſition tyrannizes; when I have ſat among their learned men, (for that honour I had,) and been counted happy to be born in ſuch a place of Philoſophic freedom, as they ſuppoſed England was, while themſelves did nothing but bemoan the ſervile condition into which Learning amongſt them was brought;—that this was it which had damped the glory of Italian wits;—that nothing had been there written now theſe many years but flattery and fuſtian. There it was that I found and viſited the famous Galileo, grown-old, a priſoner to the Inquiſition, for thinking in Aſtronomy otherwiſe than the Franciſcan and Dominican Licenſers thought. And, though I knew that England then was groaning loudeſt under the Prelatical yoke, nevertheleſs I took it as a pledge of future happineſs, that other nations were ſo perſuaded of her Liberty. Yet was it beyond my hope, that thoſe worthies were then breathing in her air, who ſhould be her leaders to ſuch a deliverance, as ſhall never be forgotten by any revolution of time that this world hath to finiſh. When that was once begun, it was as little in my fear, that what words of complaint I heard among learned men of other parts uttered againſt the Inquiſition, the ſame I ſhould hear by as learned men at home uttered in the time of Parliament againſt an Order of Licenſing; and that ſo generally, that, when I had

The learned men of Italy lamented the reſtraints upon the liberty of the preſs which they laboured under, and conſidered it as the cauſe of the low ſtate of learning among them.

That the like complaint is now generally made

by the learned men of England.

had diſcloſed myſelf a companion of their diſcontent, I might ſay, (if without envy,) that he whom an honeſt Quæſtorſhip had endeared to the Sicilians, was not more by them importuned againſt Verres, than the favourable opinion which I had among many who honour ye, and are known and reſpected by ye, loaded me with entreaties and perſuaſions, that I would not deſpair to lay together that which juſt reaſon ſhould bring into my mind, toward the removal of an undeſerved thraldom upon Learning. That this is not therefore the diſburdening of a particular fancy, but the common grievance of all thoſe who had prepared their minds and ſtudies above the vulgar pitch, to advance truth in others, and from others to entertain it, thus much may ſatisfy. And, in their name, I ſhall, for neither friend nor foe, conceal what the general murmur is; that, if it come to Inquiſitioning again, and Licenſing, and that we are ſo timorous of ourſelves, and ſuſpicious of all men, as to fear each book, and the ſhaking of every leaf, before we know what the contents are; if ſome who, but of late, were little better than ſilenced from preaching, ſhall come now to ſilence us from reading, except what they pleaſe, it cannot be gueſſed what is intended by ſome but a ſecond tyranny over Learning: and will ſoon put it out of controverſy, that Biſhops and Preſbyters are the ſame to us, both name and thing. That thoſe evils of Prelaty which before, from five or ſix and twenty ſees, were diſtributively charged upon the whole people, will now light wholly upon Learning, is not obſcure to us: whenas now the paſtor of a ſmall, unlearned, pariſh, on the ſudden ſhall be exalted Archbiſhop over a large dioceſe of books, and yet not remove, but keep his other cure too, a myſtical pluraliſt. He who but of late

This reſtraint upon printing is a ſpecies of tyranny ſimilar to that which the people ſuffered under the late Biſhops,

late cried-down the ſole ordination of every novice bachelor of art, and denied ſole juridiction over the ſimpleſt pariſhioner, ſhall now, at home in his private chair, aſſume both theſe over worthieſt and excellenteſt books, and ableſt authors that write them. This is not, ye Covenants and Proteſtations that we have made! this is not to put-down Prelaty; this is but to chop an Epiſcopacy; this is but to tranſlate the palace Metropolitan from one kind of dominion into another; this is but an old Canonical ſlight of commuting our penance. To ſtartle thus betimes at a mere unlicenſed pamphlet, will, after a while, be afraid of every Conventicle: and, a while after, will make a Conventicle of every Chriſtian meeting. But I am certain, that a State governed by the rules of juſtice and fortitude, or a Church built and founded upon the rock of faith and true knowledge, cannot be ſo puſillanimous. While things are yet not conſtituted in religion, that freedom of writing ſhould be reſtrained by a diſcipline imitated from the Prelates, and learned by them from the Inquiſition, to ſhut us up all again into the breaſt of a Licenſer, muſt needs give cauſe of doubt and diſcouragement to all learned and religious men: who cannot but diſcern the fineneſs of this politic drift, and who are the contrivers; that while Biſhops were to be baited-down, then all preſſes might be open; it was the people's birthright and privilege in time of Parliament; it was the breaking-forth of Light. But now, the Biſhops abrogated and voided out of the church, as if our reformation ſought no more, but to make room for others [to enter] into their ſeats under another name; the Epiſcopal arts begin to bud again; the cruiſe of truth muſt run no more oil; liberty of printing muſt be enthralled again under a Prelatical commiſſion of

It is owing to the pride and perſecuting ſpirit of ſome of the Presbyterian Clergy.

twenty; the Privilege of the people nullified; and (which is worſe,) the freedom of Learning muſt groan again, and to her old fetters: all this, the Parliament yet ſitting. Although their own late arguments and defences againſt the Prelates might remember them, that this obſtructing violence meets, for the moſt part, with an event utterly oppoſite to the end which it drives-at: inſtead of ſuppreſſing Sects and Schiſms, it raiſes them, and inveſts them with a reputation: "the puniſhing of wits enhances their authority," ſaith the viſcount St. Albans; "and a forbidden writing is thought to be a certain ſpark of truth, that flies-up in the faces of them who ſeek to tread it out." This Order therefore may prove a nurſing-mother to Sects: but I ſhall eaſily ſhow how it will be a ſtep-dame to truth: and, firſt, by diſenabling us to the maintenance of what is known already.

The preventing the publication of new opinions is a hindrance to the knowledge of the truth, and of the grounds on which it is built.

Well knows he who uſes to conſider, that our faith and knowledge thrives by exerciſe, as well as our limbs and complexion. Truth is compared in ſcripture to a ſtreaming Fountain; if her waters flow not in a perpetual progreſſion, they ſicken into a muddy pool of conformity and tradition. A man may be a heretic in the truth; and if he believe things only becauſe his paſtor ſays ſo, or the aſſembly ſo determines, without knowing other reaſon, though his belief be true, yet the very truth he holds becomes his hereſy. There is not any burden, that ſome would gladlier poſt-off to another, than the charge and care of their religion. There be,—who knows not that there be? of proteſtants and profeſſors, who live and die in as errant an implicit faith, as any lay-papiſt of Loretto. A wealthy man, addicted to his pleaſure and to his profits, finds religion to be a traffic ſo entangled, and

A deſcription of a luxurious rich man indolently.

of

of ſo many piddling accounts, that, of all myſteries, he cannot ſkill to keep a ſtock going upon that trade. What ſhould he do? Fain he would have the name to be religious; fain he would bear-up with his neighbours in that. What does he, therefore, but reſolves to give-over toiling, and to find himſelf out ſome factor, to whoſe care and credit he may commit the whole managing of his religious affairs; ſome divine of note and eſtimation that muſt be. To him he adheres, reſigns the whole warehouſe of his religion, with all the locks and keys, into his cuſtody; and indeed makes the very perſon of that man his religion; eſteems his aſſociating with him a ſufficient evidence and commendatory of his own piety. So that a man may ſay his religion is now no more within himſelf, but is become a dividual moveable, and goes and comes near him, according as that good man frequents the houſe. He entertains him, gives him gifts, feaſts him, lodges him; his religion comes home at night, prays, is liberally ſupped, and ſumptuouſly laid to ſleep; riſes, is ſaluted, and after the malmſey, or ſome well-ſpiced bruage, and better breakfaſted than he whoſe morning-appetite would have gladly fed on green figs between Bethany and Jeruſalem; his religion walks-abroad at eight, and leaves his kind entertainer in the ſhop, trading all day without his religion.

reſigning himself in matters of religion to the direction of a clergyman.

Another ſort there be, who, when they hear that all things ſhall be ordered, all things regulated and ſettled; nothing written but what paſſes through the cuſtom-houſe of certain publicans, that have the tonnaging and poundaging of all free-ſpoken truth; will ſtraight give themſelves up into your hands; make them and cut them out what religion ye pleaſe: there be

A general outward conformity, ariſing from ignorance and indolence, and attended with an indifference in matters of

religion, will be the consequence of this restraint upon the liberty of the press, among the Laiety;

recreations and jolly paſtimes, that will fetch the day about from ſun to ſun, and rock the tedious year as in a delightful dream. What need they torture their heads with that which others have taken, ſo ſtrictly, and ſo unalterably, into their own purveying? Theſe are the fruits, which a dull eaſe and ceſſation of our knowledge will bring-forth among the people. How goodly, and how to be wiſhed, were ſuch an obedient unanimity as this? What a fine conformity would it ſtarch us all into? Doubtleſs a ſtaunch and ſolid piece of frame-work, as any January could freeze-together.

And the Clergy will grow ignorant of the true grounds of religion.

Nor much better will be the conſequence even among the Clergy themſelves. It is no new thing never heard-of before, for a parochial miniſter, who has his reward, and is at his Hercules Pillars in a warm benefice, to be eaſily inclinable, if he have nothing elſe that may rouſe-up his ſtudies, to finiſh his circuit in an Engliſh concordance and a topic Folio, the gatherings and ſavings of a ſober graduateſhip, a Harmony and a Catena, treading the conſtant round of certain common doctrinal heads, attended with their uſes, motives, marks and means; out of which, as out of an alphabet, or Sol Fa, by forming and transforming, joining and disjoining variouſly, a little book-craft, and two hours meditation, might furniſh him unſpeakably to the performance of more than a weekly charge of ſermoning: not to reckon-up the infinite helps of interlinearies, breviaries, ſynopſes, and other loitering gear. But, as for the multitude of ſermons, ready-printed and piled-up, on every text that is not difficult, our London trading St. Thomas in his veſtry, and add to boot St. Martin and St. Hugh, have not within their hallowed limits more vendible ware of all ſorts ready-made;

made: ſo that penury he never need fear of pulpit-proviſion, having where ſo plenteouſly to refreſh his magazine. But, if his rear and flanks be not impaled, if his back-door be not ſecured by the rigid Licenſer, but that a bold book may now and then iſſue-forth, and give the aſſault to ſome of his old collections in the trenches, it will concern him then to keep waking, to ſtand in watch, to ſet good guards and ſentinels about his received opinions, to walk the round and counter-round with his fellow-inſpectors, fearing leſt any of his flock be ſeduced, who alſo then would be better inſtructed, better exerciſed and diſciplined. And God ſend that the fear of this diligence, which muſt then be uſed, do not make us affect the lazineſs of a Licenſing church!

For, if we be ſure we are in the right, and do not hold the truth guiltily, which becomes not;—if we ourſelves comdemn not our own weak and frivolous teaching, and the people for an untaught and irreligious, gadding rout; what can be more fair, than, when a man judicious, learned, and of a conſcience, for aught we know, as good as theirs that taught us what we know, ſhall, not privily from houſe to houſe, (which is more dangerous,) but openly by writing publiſh to the world what his opinion is, what his reaſons, and wherefore that which is now thought cannot be found? Chriſt urged it, as wherewith to juſtify himſelf, "that he preached in public;" yet writing is more public than preaching; and more eaſy to refutation, if need be, there being ſo many whoſe buſineſs and profeſſion merely it is to be the champions of truth; which if they neglect, what can be imputed but their ſloth or unability?

Thus much we are hindered and diſinured, by this courſe of Licenſing, toward the true knowledge of what we ſeem to know. For how much it hurts and hind-

ers the Licenſers themſelves in the calling of their miniſtry, more than any ſecular employment, if they will diſcharge that office as they ought, (ſo that of neceſſity they muſt neglect, either the one duty or the other;) I inſiſt not, becauſe it is a particular; but leave it to their own conſcience, how they will decide it there.

There is yet behind of what I purpoſed to lay-open, the incredible loſs and detriment that this plot of Licenſing puts us to, more than if ſome enemy at ſea ſhould ſtop-up all our havens, and ports, and creeks; it hinders and retards the importation of our richeſt merchandize, Truth: nay, it was firſt eſtabliſhed and put in practice by Antichriſtian malice and myſtery on ſet purpoſe to extinguiſh, if it were poſſible, the Light of Reformation, and to ſettle Falſehood; little differing from that policy wherewith the Turk upholds his Alcoran, by the prohibiting of printing. It is not denied, but gladly confeſſed, we are to ſend our thanks and vows to Heaven, louder than moſt of nations, for that great meaſure of Truth which we enjoy, eſpecially in thoſe main points between us and the Pope, with, his appurtenances, the Prelates: but he who thinks we are to pitch our tent here, and have attained the utmoſt proſpect of reformation, that the mortal glaſs wherein we contemplate can ſhow us, till we come to beatific viſion; that man by this very opinion declares, that he is yet far ſhort of Truth.

We ought never to deſist from our inquiries after truth, from a vain opinion that we have compleatly attained to it.

Truth indeed came once into the world with her divine maſter, and was a perfect ſhape moſt glorious to look-on: but when he aſcended, and his Apoſtles after him were laid-aſleep, then ſtraight aroſe a wicked race of deceivers, who (as that ſtory goes of the Egyptian Typhon with his conſpirators, how they dealt with the

good

good Oſyris,) took the virgin Truth, hewed her lovely form into a thouſand pieces, and ſcattered them to the four winds. From that time ever ſince, the ſad friends of Truth, ſuch as durſt appear, imitating the careful ſearch that Iſis made for the mangled body of Oſiris, went up and down gathering-up limb by limb, ſtill as they could find them. We have not yet found them all, Lords and Commons, nor ever ſhall do, till her Maſter's ſecond coming; He ſhall bring-together every joint and member, and ſhall mould them into an immortal feature of lovelineſs and perfection. Suffer not theſe Licenſing prohibitions to ſtand at every place of opportunity forbidding and diſturbing them that continue ſeeking, that continue to do our obſequies to the torn body of our martyred ſaint. We boaſt our light; but if we look not wiſely on the ſun itſelf, it ſmites us into darkneſs. Who can diſcern thoſe planets that are oft combuſt, and thoſe ſtars of brighteſt magnitude that riſe and ſet with the ſun, until the oppoſite motion of their orbs bring them to ſuch a place in the firmament, where they may be ſeen evening or morning? The light which we have gained, was given us, not to be ever ſtaring-on, but by it to diſcover onward things more remote from our knowledge. It is not the unfrocking of a prieſt, the unmitring of a biſhop, and the removing him from off the preſbyterian ſhoulders, that will make us a happy nation; no, if other things as great in the church, and in the rule of life, both œconomical and political, be not looked-into and reformed, we have looked ſo long upon the blaze that Zuinglius and Calvin have beaconed-up to us, that we are ſtark-blind. There be who perpetually complain of Schiſms and Sects, and make it ſuch a calamity, that any man diſſents from their maxims. It is their own

pride and ignorance which cauſes the diſturbing; who neither will hear with meekneſs, nor can convince; yet all muſt be ſuppreſſed which is not found in their Syntagma. They are the troublers, they are the dividers of unity, who neglect and permit not others to unite thoſe diſſevered pieces, which are yet wanting to the body of truth. To be ſtill ſearching what we know not, by what we know, ſtill cloſing-up truth to truth as we find it, (for all her body is homogeneal, and proportional) this is the golden rule in theology as well as in arithmetic, and makes-up the beſt harmony in a a church; not the forced and outward union of cold, and neutral, and inwardly-divided, minds.

The English nation was always remarkable for their love of knowledge and their diligence in the purſuit of truth.

Lords and Commons of England! conſider what Nation it is whereof ye are, and whereof ye are the governors: a nation not ſlow and dull, but of a quick, ingenious, and piercing ſpirit; acute to invent, ſubtile and ſinewy to diſcourſe; not beneath the reach of any point, the higheſt that human capacity can ſoar-to. Therefore the ſtudies of Learning in her deepeſt Sciences have been ſo ancient, and ſo eminent, among us, that writers of good antiquity and able judgment have been perſuaded, that even the ſchool of Pythagoras, and the Perſian wiſdom, took beginning from the old Philoſophy of this iſland. And that wiſe and civil Roman, Julius Agricola, who governed once here for Cæſar, preferred the natural wits of Britain, before the laboured ſtudies of the French. Nor is it for nothing that the grave and frugal Tranſilvanian ſends out yearly from as far as the mountainous borders of Ruſſia, and beyond the Hercynian wilderneſs, not their youth, but their ſtaid men, to learn our language, and our Theologic arts. Yet that which is above all this, the favour and the love of Heaven, we have great argument

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to think in a peculiar manner propitious and propending towards us. Why elſe was this nation choſen before any other, that out of her, as out of Sion, ſhould be proclaimed and founded-forth the firſt tidings and trumpet of Reformation to all Europe? And had it not been the obſtinate perverſeneſs of our Prelates againſt the divine and admirable ſpirit of Wickliff, to ſuppreſs him as a Schiſmatic and Innovator, perhaps, neither the Bohemian Huſſe and Jerom, no nor the name of Luther or of Calvin, had been ever known: the glory of reforming all our neighbours had been completely ours. But now, as our obdurate Clergy have with violence demeaned the matter, we are become hitherto the lateſt and the backwardeſt ſcholars [of thoſe] of whom God offered to have made us the teachers. Now once again, by all concurrence of ſigns, and by the general inſtinct of holy and devout men, as they daily and ſolemnly expreſs their thoughts, God is decreeing to begin ſome new and great period in his church, even to the reforming of Reformation itſelf; what does he then but reveal himſelf to his ſervants, and, as his manner is, firſt, to his Engliſhmen? I ſay, as his manner is, firſt to us, though we mark not the method of his counſels, and are unworthy. Behold now this vaſt city; a city of refuge, the manſion-houſe of liberty, encompaſſed and ſurrounded with his protection. The ſhop of war hath not there more anvils and hammers waking, to faſhion-out the plates and inſtruments of armed Juſtice in defence of beleaguer'd Truth, than there be pens and heads there, ſitting by their ſtudious lamps, muſing, ſearching, revolving new notions and ideas, wherewith to preſent, as with their homage and their fealty, the approaching Reformation: others as faſt, reading, trying all things, aſſenting

A deſcription of the zeal and eagerneſs with which the vaſt number of people then in London were ſtudying and examining the doctrines of religion.

ing to the force of reaſon and convincement. What could a man require more from a nation ſo pliant and ſo prone to ſeek after knowledge? What wants there to ſuch a towardly and pregnant ſoil, but wiſe and faithful labourers, to make a knowing people, a nation of prophets, of ſages, and of worthies? We reckon more than five months yet to harveſt; there need not be five weeks, had we but eyes to lift-up, the fields are white already. Where there is much deſire to learn, there of neceſſity will be much arguing, much writing, many opinions; for opinion in good men is but knowledge in the making. Under theſe fantaſtic terrours of Sect and Schiſm, we wrong the earneſt and zealous thirſt after knowledge and underſtanding, which God hath ſtirred-up in this city. What ſome lament of, we rather ſhould rejoice at, ſhould rather praiſe this pious forwardneſs among men, to reaſſume the ill-deputed care of their religion into their own hands again. A little generous prudence, a little forbearance of one another, and ſome grain of Charity, might win all theſe diligencies to join and unite into one general and brotherly ſearch after truth; could we but forego this Prelatical tradition of crowding free conſciences and Chriſtian liberties into Canons and precepts of men. I doubt not, if ſome great and worthy ſtranger ſhould come among us, wiſe to diſcern the mould and temper of a people, and how to govern it, obſerving the high hopes and aims, the diligent alacrity of our extended thoughts and reaſonings in the purſuance of truth and freedom, but that he would cry-out, as Pyrrhus did, admiring the Roman docility and courage; "if ſuch were my Epirots, I would not deſpair the greateſt deſign that could be attempted to make a church, or kingdom, happy." Yet theſe are the men cried-

Diversity of opinions will arise hence, but ought not to be esteemed an evil.

out

out againſt for Schiſmatics and Sectaries, as if, while the temple of the Lord was building, ſome cutting, ſome ſquaring the marble, others hewing the cedars, there ſhould be a ſort of irrational men, who could not conſider there muſt be many ſchiſms and many diſſections made in the quarry and in the timber, ere the houſe of God can be built. And when every ſtone is laid artfully together, it cannot be united into a continuity, it can but be contiguous, in this world: neither can every piece of the building be of one form; nay, rather the perfection conſiſts in this, that out of many moderate varieties and brotherly diſſimilitudes, (that are not vaſtly diſproportional,) ariſes the goodly and the graceful ſymmetry that commends the whole pile and ſtructure. Let us therefore be more conſiderate builders, more wiſe in ſpiritual architecture, when great reformation is expected. For now the time ſeems come wherein Moſes, the great prophet, may ſit in Heaven rejoicing to ſee that memorable and glorious wiſh of his fulfilled, when not only our ſeventy elders, but all the Lord's people are become prophets. No marvel then, though ſome men, and ſome good men too, perhaps, but young in goodneſs, as Joſhua then was, envy them. They fret and, out of their own weakneſs, are in agony, leſt theſe diviſions and ſubdiviſions will undo us. The adverſary again applauds, and waits the hour; "when they have branched themſelves out, ſaith he, ſmall enough into parties and partitions, then will be our time." Fool! he ſees not the firm root, out of which we all grow, though into branches; nor will beware until he ſee our ſmall divided maniples cutting through at every angle of his ill-united and unwieldly brigade. And that we are to hope better of all theſe ſuppoſed ſects and Schiſms, and that we ſhall not need that ſolli-

citude,

eitude, (honeſt perhaps, though over-timorous,) of them that vex in this behalf, but ſhall laugh, in the end, at thoſe malicious applauders of our differences, I have theſe reaſons to perſuade me.

The great tranquillity of the people in London, though in a time of war and danger, and their earneſt application to the business of reformation, are proofsof their confidence in their leaders, the two houses of Parliament, and a strong presage of a final victory.

Firſt, when a city ſhall be, as it were, beſieged and blocked-about, her navigable river infeſted, inroads and incurſions round, defiance and battle oft rumoured to be marching-up, even to her walls and ſuburb-trenches; that then, the people, or the greater part, more than at other times, wholly taken-up with the ſtudy of higheſt and moſt important matters to be reformed, ſhould be diſputing, reaſoning, reading, inventing, diſcourſing, even to a rarity and admiration, things not before diſcourſed or written of, argues, firſt, a ſingular good-will, contentedneſs, and confidence in your prudent foreſight, and ſafe government, Lords and Commons; and from thence derives itſelf to a gallant bravery and well-grounded contempt of their enemies, as if there were no ſmall number of as great ſpirits among us, as his was who, when Rome was nigh beſieged by Hannibal, being in the city, bought that piece of ground at no cheap rate, whereon Hannibal himſelf encamped his own regiment. Next, it is a lively and cheerful preſage of our happy ſucceſs and victory. For, as in a body, when the blood is freſh, the ſpirits pure and vigorous, not only to vital, but to rational, faculties, and thoſe in the acuteſt, and the perfect operations of wit and ſubtlety, it argues in what good plight and conſtitution the body is; ſo when the cheerfulneſs of the people is ſo ſprightly up, as that it has not only wherewith to guard well its own freedom and ſafety, but to ſpare, and to beſtow upon the ſolideſt and ſublimeſt points of controverſy and new invention, it betokens us not degenerated, nor drooping to a fatal decay,

decay, by caſting-off the old and wrinkled ſkin of corruption, to outlive theſe pangs, and wax young again, entering the glorious ways of truth and proſperous virtue, deſtined to become great and honourable in theſe latter ages. Methinks I ſee in my mind a noble and puiſſant Nation rouſing herſelf like a ſtrong man after ſleep, and ſhaking her invincible locks: methinks I ſee her as an eagle, muing her mighty youth, and kindling her undazzled eyes, at the full midday beam; purging and unſcaling her long-abuſed ſight at the fountain itſelf of heavenly radiance; while the whole noiſe of timorous and flocking birds, with thoſe alſo that love the twilight, flutter-about, amazed at what ſhe means, and, in their envious gabble, would prognoſticate a year of Sects and Schiſms. N. B.

What ſhould ye do then? ſhould ye ſuppreſs all this flowery crop of knowledge and new light ſprung-up and yet ſpringing daily in this city? Should ye ſet an oligarchy of twenty Engroſſers over it, to bring a famine upon our minds again, when we ſhall know nothing but what is meaſured to us by their buſhel? Believe it, Lords and Commons! they who counſel ye to ſuch a ſuppreſſing, do as good as bid ye ſuppreſs yourſelves; and I will ſoon ſhow how. If it be deſired to know the immediate cauſe of all this free-writing and free-ſpeaking, there cannot be aſſigned a truer than your own mild, and free, and humane government; it is the Liberty, Lords and Commons, which your own valorous and happy counſels have purchaſed us; Liberty, which is the nurſe of all great wits: This is that which hath rarefied and enlightened our ſpirits like the influence of Heaven; This is that which hath enfranchiſed, enlarged, and lifted-up our apprehenſions degrees above themſelves. Ye cannot make us now N. B. N. B. A fine and juſt compliment to the Parliament. N. B.

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leſs capable, leſs knowing, leſs eagerly purſuing of the truth, unleſs ye firſt make yourſelves, that made us ſo, leſs the lovers, leſs the founders, of our true Liberty. We can grow ignorant again, brutiſh, formal, and ſlaviſh, as ye found us; but you then muſt, firſt, become that which ye cannot be, oppreſſive, arbitrary and tyrannous, as they were from whom ye have freed us. That our hearts are now more capacious, our thoughts more erected to the ſearch and expectation of greateſt and exacteſt things, is the iſſue of your own virtue propagated in us; ye cannot ſuppreſs that, unleſs ye re-inforce an abrogated and mercileſs law, that fathers may diſpatch at will their own children. And who ſhall then ſtick cloſeſt to ye and excite others? Not he who takes-up arms for coat and conduct, and his four nobles of Danegelt. Although I diſpraiſe not the defence of juſt immunities, yet love my peace better, if that were all. Give me the liberty to know, to utter, and to argue freely according to conſcience, above all liberties.

The late worthy Lord Brook was of opinion that different Sects of religion ought to be tolerated.

What would be beſt-adviſed then, if it be found ſo hurtful and ſo unequal to ſuppreſs opinions for the newneſs, or the unſuitableneſs to a cuſtomary acceptance, will not be my taſk to ſay; I ſhall only repeat what I have learned from one of your own honourable number, a right-noble and pious Lord, who had he not ſacrificed his life and fortunes to the church and commonwealth, we had not now miſſed and bewailed a worthy and undoubted patron of this argument. Ye know him, I am ſure; yet I, for honour's ſake, (and may it be eternal to him!) ſhall name him, the Lord Brook. He, writing of Epiſcopacy, and, by the way, treating of Sects and Schiſms, left ye his vote, or, rather now, the laſt words of his dying charge, which I know will ever

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be of dear and honoured regard with ye, ſo full of meekneſs and breathing charity, that, next to His laſt teſtament who bequeathed Love and Peace to his diſciples, I cannot call to mind where I have read, or heard, words more mild and peaceful. He there exhorts us "to hear with patience and humility thoſe, (however they be miſcalled,) that deſire to live purely, in ſuch a uſe of God's ordinances, as the beſt guidance of their conſcience gives them, and to tolerate them, though in ſome diſconformity to ourſelves." The book itſelf will tell us more at large, being publiſhed to the world, and dedicated to the Parliament by him, who, both for his life and for his death, deſerves, that what advice he left be not laid-by without peruſal.

It is more particularly fit at this time, while the reformation of religion is yet in agitation and incomplete, to permit men to publish their thoughts without reſtraint.

And now the time in ſpecial is, by privilege to write and ſpeak what may help to the further diſcuſſing of matters in agitation. The temple of Janus, with his two controverſal faces, might now not unſignificantly be ſet-open. And, though all the winds of doctrine were let looſe to play upon the earth, ſo Truth be in the field, we do injuriouſly, by Licenſing and prohibiting, to miſdoubt her ſtrength. Let her and Falſhood grapple; who ever knew Truth put to the worſe, in a free and open encounter? Her confuting is the beſt and ſureſt ſuppreſſing. He who hears what praying there is for light and clear knowledge to be ſent-down among us, would think of other matters to be conſtituted beyond the diſcipline of Geneva, framed and fabricked already to our hands. Yet, when the new light which we beg for, ſhines-in upon us, there be who envy and oppoſe, if it come not firſt in at their caſements. What a colluſion is this, whenas we are exhorted by the wiſe man to uſe diligence, "to ſeek for wiſdom as for hidden treaſures" early and late, that another

another order ſhall enjoin us, to know nothing but by ſtatute? When a man hath been labouring the hardeſt labour in the deep mines of knowledge, hath furniſhed-out his findings in all their equipage, drawn-forth his reaſons as it were a battle ranged, ſcattered and defeated all objections in his way, calls-out his adverſary into the plain, offers him the advantage of wind and ſun, if he pleaſe, only that he may try the matter by dint of argument; for his opponents then to ſculk, to lay ambuſhments, to keep a narrow bridge of Licenſing where the challenger ſhould paſs, though it be valour enough in ſoldierſhip, is but weakneſs and cowardice in the wars of Truth. For who knows not that Truth is ſtrong, next to the Almighty? ſhe needs no policies, nor ſtratagems, nor licenſings, to make her victorious: Thoſe are the ſhifts and the defences that Error uſes againſt her power; Give her but room, and do not bind her when ſhe ſleeps: for then ſhe ſpeaks not true, (as the old Proteus did, who ſpake oracles only when he was caught and bound,) but then rather ſhe turns herſelf into all ſhapes, except her own, and perhaps tunes her voice according to the time, (as Micaiah did before Ahab,) until ſhe be adjured into her own likeneſs. Yet is it not impoſſible that ſhe may have more ſhapes than one. What elſe is all that rank of *things indifferent*, wherein Truth may be on this ſide, or on the other, without being unlike herſelf? What but a vain ſhadow elſe is the abolition of "thoſe ordinances, that hand-writing nailed to the croſs? what great purchaſe is this Chriſtian liberty which Paul ſo often boaſts of? His doctrine is, that he who eats or eats not, regards a day or regards it not, may do either to the Lord. How many other things might be tolerated in peace, and left to conſcience,

Many things are in their nature indifferent, and a difference in opinion concerning them ought to be permitted.

conſcience, had we but charity, and were it not the chief ſtrong-hold of our hypocriſy to be ever judging one another? I fear yet this iron yoke of outward conformity hath left a ſlaviſh print upon our necks; the ghoſt of a linen decency yet haunts us. We ſtumble, and are impatient, at the leaſt dividing of one viſible congregation from another, though it be not in fundamentals; and through our forwardneſs to ſuppreſs, and our backwardneſs to recover, any enthralled piece of truth out of the gripe of cuſtom, we care not to keep truth ſeparated from truth, which is the fierceſt rent and diſunion of all. We do not ſee, that while we ſtill affect, by all means, a right external formality, we may as ſoon fall again into a groſs conforming ſtupidity, a ſtark and dead congealment of "wood and hay and ſtubble," forced and frozen together, which is more to the ſudden degenerating of a church than many ſubdichotomies of petty ſchiſms. Not that I can think well of every light ſeparation; or that all in a church is to be expected "gold and ſilver and precious ſtones:" it is not poſſible for man to ſever the wheat from the tares, the good fiſh from the other fry; that muſt be the angels miniſtry at the end of mortal things. Yet if all cannot be of one mind, (as who looks they ſhould be?) this doubtleſs is more wholeſome, more prudent, and more chriſtian, that many be tolerated rather than all compelled. I mean not tolerated *popery and open ſuperſtition*; which as it extirpates all religions and civil ſupremacies, ſo itſelf ſhould be extirpate; provided, firſt, that all charitable and compaſſionate means be uſed to win and regain the weak and the miſled. That alſo *which is impious, or evil, abſolutely, either againſt faith or manners*, no law can poſſibly permit, that intends not to unlaw itſelf: but thoſe neighbouring

differences, or rather indifferences, are what I ſpeak of, whether in ſome point of doctrine, or of diſcipline, which though they may be many, yet need not interrupt the unity of ſpirit, if we could but find among us the bond of peace. In the mean while, if any one would write, and bring his helpful hand to the ſlow-moving reformation which we labour under, if truth have ſpoken to him before others, or but ſeemed at leaſt to ſpeak, who hath ſo bejeſuited us, that we ſhould trouble that man with aſking licence to do ſo worthy a deed; and not conſider this, that if it come to prohibiting, there is not aught more likely to be prohibited than truth itſelf: whoſe firſt appearance to our eyes, bleared and dimmed with prejudice and cuſtom, is more unſightly and unplauſible than many errours; even as the perſon is of many a great man ſlight and contemptible to ſee-to. And what do they tell us vainly of new opinions, when this very opinion of theirs, that none muſt be heard but whom they like, is the worſt and neweſt opinion of all others; and is the chief cauſe why Sects and Schiſms do ſo much abound, and true knowledge is kept at diſtance from us; beſides yet, a greater danger which is in it. For when God ſhakes a kingdom, with ſtrong and healthful commotions, to a general reforming, it is not untrue that many ſectaries and falſe teachers are then buſieſt in ſeducing. But yet more true it is, that God then raiſes to his own work, men of rare abilities, and more than common induſtry, not only to look-back and reviſe what hath been taught heretofore, but to gain further, and go-on, ſome new enlightened ſteps in the diſcovery of truth. For ſuch is the order of God's enlightening his Church, to diſpenſe and deal-out by degrees his beam, ſo as our earthly eyes may beſt

Truth is to be discovered, but by slow degrees, by the free communication of the thoughts of learned and industrious men to the publick.

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ſuſtain it. Neither is God appointed and confined, where and out of what place theſe his choſen ſhall be firſt heard to ſpeak; for he ſees not as man ſees, chooſes not as man chooſes, leſt we ſhould devote ourſelves again to ſet-places, and aſſemblies, and outward-callings of men; planting our faith one while in the old Convocation-houſe, and another while in the Chapel at Weſtminſter; when all the faith and religion that ſhall be there canonized, is not ſufficient without plain convincement. and the charity of patient inſtruction, to ſupple the leaſt bruiſe of conſcience, to edify the meaneſt chriſtian, who deſires to walk in the ſpirit, and not in the letter of human truſt, for all the number of voices that can be there made; no, though Harry the Seventh himſelf there, with all his liege tombs about him, ſhould lend them voices from the dead to ſwell their number. And, if the men be erroneous who appear to be the leading Schiſmatics, what withholds us but our ſloth, our ſelf-will, and diſtruſt in the right cauſe, that we do not give them gentle meetings and gentle diſmiſſions; that we debate not, and examine the matter thoroughly, with liberal and frequent audience; if not for their ſakes, yet for our own? Seeing no man who hath taſted learning, but will confeſs the many ways of profiting by thoſe who, not contented with ſtale receipts, are able to manage and ſet-forth new poſitions to the world. And, were they but as the duſt and cinders of our feet, ſo long as in that notion they may yet ſerve to poliſh and brighten the armoury of truth, even for that reſpect they were not utterly to be caſt-away. But, if they be of thoſe whom God hath fitted for the ſpecial uſe of theſe times, with eminent and ample gifts, and thoſe, perhaps, neither among the prieſts, nor among the Phariſees, and we in

the haſte of a precipitant zeal ſhall make no diſtinction, but reſolve to ſtop their mouths, becauſe we fear they come with new and dangerous opinions, as we commonly forejudge them, ere we underſtand them; no leſs than woe to us, while, thinking thus to defend the Goſpel, we are found the perſecutors!

Several of the Presbyterian ministers themselves, did eminent service to the Publick, at the beginning of this parliament, by publishing bold, but useful, books, without Licences, in contempt of the laws concerning Licensing then in being

There have been not a few ſince the beginning of this Parliament, both of the Preſbytery and others, who by their unlicenſed books, to the contempt of an *Imprimatur*, firſt broke that triple ice clung about our hearts, and taught the people to ſee day: I hope that none of thoſe were the perſuaders to renew upon us this bondage, which they themſelves have wrought ſo much good by contemning. But, if neither the check that Moſes gave to young Joſhua, nor the countermand which our Saviour gave to young John, (who was ſo ready to prohibit thoſe whom he thought unlicenſed,) be enough to admoniſh our elders, how unacceptable to God their teſty mood of prohibiting is; if neither their own remembrance, what evil hath abounded in the church by this lett of Licenſing, and what good they themſelves have begun by tranſgreſſing it, be not enough, but that they will perſuade and execute the moſt Dominican part of the Inquiſition over us, and are already with one foot in the ſtirrup, ſo active at ſuppreſſing, it would be no unequal diſtribution, in the firſt-place, to ſuppreſs the ſuppreſſors themſelves; whom the change of their condition hath puffed-up, more than their late experience of harder times hath made wiſe.

The Order of Parliament next before the present one, was the properest

And as for regulating the preſs, let no man think to have the honour of adviſing ye better than yourſelves have done in that Order, publiſhed next before this, "That no book be printed, unleſs the printer's and

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the author's name, or at leaſt the printer's, be regiſtered." Thoſe which otherwiſe come-forth, if they be found miſchievous and libellous, the fire and the executioner will be the timelieſt and the moſt effectual remedy, that man's prevention can uſe. For this authentic Spaniſh policy of Licenſing books, if I have ſaid aught, will prove the moſt unlicenſed book itſelf, within a ſhort while; and was the immediate image of a Star-chamber decree to that purpoſe, made in thoſe very times, when that Court did the reſt of thoſe her pious works, for which ſhe is now fallen from the ſtars with Lucifer. Whereby ye may gueſs what kind of State-prudence, what love of the people, what care of religion, or good manners, there was at the contriving, although, with ſingular hypocriſy, it pretended to bind books to their good behaviour. And how it got the upper hand of your preceedent order, ſo well conſtituted before, if we may believe thoſe men, whoſe profeſſion gives them cauſe to inquire moſt, it may be doubted there was in it the fraud of ſome old patentees and monopolizers in the trade of book-ſelling; who, under pretence of the poor in their company not to be defrauded, and the juſt retaining of each man his ſeveral copy, (which God forbid, ſhould be gainſaid!) brought divers gloſſing colours to the houſe, which were indeed but colours, and ſerving to no end except it be to exerciſe a ſuperiority over their neighbours; men who do not labour in an honeſt profeſſion, to which Learning is indebted, that they ſhould be made other men's vaſſals. Another end, is thought, was aimed at by ſome of them, in procuring by petition this Order, that having power in their hands, malignant books might the eaſier eſcape abroad, as the event ſhows. But of theſe ſophiſms and elenchs of merchandize I ſkill not: This I know, that

regulation that could be made concerning the Liberty of the Preſs.

errours in a good government, and in a bad, are equally almoſt incident; for what magiſtrate may not be misinformed, and much the ſooner, if liberty of printing be reduced into the power of a few? But to redreſs willingly, and ſpeedily, what hath been erred, and in highest authority, to eſteem a plain advertiſement, more than others have done a ſumptuous bride, is a virtue (honoured Lords and Commons!) anſwerable to your higheſt actions, and whereof none can participate but greateſt and wiſeſt men.

OF THE INNOCENCE OF THE LATE KING OF FRANCE, LEWIS XVI. OF ALL THE CHARGES LATELY BROUGHT AGAINST HIM.

To the PRINTER *of the* PUBLIC ADVERTISER.

SIR, *May* 7, 1793.

I HAVE lately ſeen a work written by M. *De Sainte Croix*, who was Secretary of ſtate for foreign affairs to the late innocent and unfortunate King of France, Lewis the Sixteenth, on the 10th of Auguſt laſt, when his Palace of the Thuilleries at Paris was aſſaulted, and his faithful Swiſs guards were murdered by a furious mob of banditti, who were determined to convert the monarchical government of France, limited and weak as it was, into a pure republick. The book is entitled, "A Hiſtory of the Conſpiracy of the Republicans of Paris againſt the then ſubſiſting Government, which broke-out on the 10th of Auguſt, 1792;" and contains many proofs of a deſign, carried-on for ſeveral months together, to embarraſs and degrade, and ultimately to overthrow, the regal part of the *Conſtitutional Government*, which had been eſtabliſhed, by the firſt National Aſſembly. In proſecution of this deſign, it was the conſtant employment of the writers of Republican news-papers to blacken the King's character and conduct in the eyes of the people, by aſcribing to him views which he never entertained, nor, (from the ſcrupulous integrity, which now appears to have governed all his actions,) was capable of entertaining, and meaſures in which he had no concern. In particular it was given-out

that he ſent money to ſome of the gentlemen who had formerly been of his life-guard, to encourage them to ſerve in the army of the emigrants under his brothers, the Counts of Provence and Artois, and join with the Auſtrians and Pruſſians under the Duke of Brunſwick in the invaſion of France in laſt July, 1792; and it was alſo ſaid that he was privy to, and encouraged, the treaty of Pilnitz in the preceeding ſummer, 1791, between the Emperour of Germany, Leopold II. and the King of Pruſſia, which was ſuppoſed to have been made with a view to an invaſion of France, and a re-eſtabliſhment of the former abſolute regal government. Now the virtuous Lewis was innocent of both theſe charges. He had, indeed, continued to many of his old life-guard-men their former pay: but it was out of mere bounty and gratitude to them for their former ſervices, and upon an expreſs condition that they ſhould continue to reſide in France, and ſhould produce certificates of their doing ſo to the perſon from whom they were to receive the money, which made it impoſſible for them to ſerve in the emigrants army. This was proved at the trial of the unfortunate monarch, by a written document produced by M. De Seze, one of his counſel, and of which the authenticity has never been diſputed; and now it is confirmed by a teſtimony of M. De Sainte Croix, one of the King's miniſters of state; who likewiſe informs us that the King had no concern in the treaty of Pilnitz, and was extremely uneaſy at the thoughts of an invaſion of his kingdom by German, or any foreign armies, for the purpoſe of effecting a counter-revolution, and reſtoring him to his former power.

The paſſages of Monſieur De Sainte Croix's book which relate to theſe ſubjects are as follows:

'On the 7th of laſt Auguſt, 1792, that is, three days 'before the attack made on the palace of the Thuilleries,

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'the King, in a conference I had with him, in which he 'mentioned this ſubject of his own accord, ſhowed me a pa-'per, which proved that ever ſince the laſt months of the 'preceeding year, 1791, no payments had been made 'to theſe life-guard-men, even of the arrears that had 'become due before that time, without authentick certifi-'cates of their having a known reſidence in France. I 'have had the original order of the King made for this 'purpoſe, and which was all written in his own hand-'writing, in my hands, and, from having read it, can 'atteſt that this was the purport of it.'

The next paſſage relates to the King's endeavours to prevent any hoſtile attempts againſt France from the neighbouring powers on the Continent, and is as follows:

'All the political cabinets of Europe will bear witneſs 'to the ſpirit of peace and conciliation which conſtantly 'governed the King of France in all his tranſactions with 'foreign powers. If his enemies ſhould blame the uſe 'he made of his influence at the Court of Vienna, I can 'anſwer, that he was ſo far from making the uſe they 'would ſuggeſt of this influence, that, ſo long ago as the 'ſpring of the year 1791, he prevented the execution of 'a ſecret plan that had been ſettled at Mantua for invading 'France about two months after, when the French armies 'were as yet incompleat, and the frontiers of the kingdom 'undefended. And in the ſummer of the ſame year 1791, 'he prevented the effects of the treaty of Pilnitz; and in 'the autumn of the ſame year he concerted meaſures with 'the Emperour for keeping all the troops and military 'preparations that had lately been making near the Rhine, 'from paſſing that river towards the eaſtern frontier of 'France. That theſe things are ſo, I, (who have been the 'King's miniſter for foreign affairs, and muſt therefore 'be ſuppoſed to have been acquainted with them,) do 'poſitively

'positively assert. Let the King's enemies, if they pre-
'tend to doubt of them, publish the papers of the King's
'foreign correspondence, which their mobs carried-off by
'force from the palace of the Thuilleries on the fatal 10th
'of August. I challenge them to do so: for the Publick
'will then see the most indisputable proofs of the repeated
'and most earnest endeavours of the King to avoid this
'war with the powers of Germany, which was first pro-
'voked, and, afterwards absolutely brought-on and en-
'gaged-in by those very persons who now have the auda-
'city to lay the blame of it upon him. They seem to
'think it possible for us to have forgot that the National
'Assembly passed a decree of accusation against one of the
'King's Ministers, Monsieur de Lessart, merely because he
'had avoided entering into the war; and that the republi-
'can party, by threatning the King with the dangers of
'another insurrection at Paris, forced him to admit to the
'office, which that Minister was obliged to quit, another
'person who was devoted to their views, Monsieur du
'Mouriez, and who soon managed matters in such a way,
'as to make the entering into that war a measure of ab-
'solute necessity. As to the King himself, he never
'considered war in any other light than as a fresh source
'of publick confusions and misfortunes; and, instead of
'wishing for a counter-revolution, he dreaded it as an
'occasion of committing new crimes that would further
'dishonour the nation; and he used his utmost endeavours
'to prevent any interference of foreign powers in the
'domestick concerns of France. Alas! how little is his
'character understood! the only objects of his wishes are,
'to see a stop to the present confusions and political dis-
'sensions of France, a return of the blessings of domestick
'peace and good order, and, above all, a revival of the
'people's good opinion of him, and confidence in the
'purity

'purity of his intentions. The want of this confidence is 'what afflicts him more than all his other misfortunes; 'and he could bear with patience the groſſeſt calumnies, if 'they did not make an impreſſion on the people. At the 'very thought of this effect of them, I have ſeen the tears 'come into his eyes. It is that, (ſaid he on the 3d of laſt 'Auguſt, 1792) it is that circumſtance that wounds my 'very ſoul—But the people, I truſt, will one day know how 'much their happineſs was the object of my concern, my 'only wiſh, and my greateſt want. Oh! how many of 'the misfortunes which I am doomed to ſuffer, would 'become light, and loſe their power of afflicting me, if I 'could but once perceive the ſligheſt mark of the return of 'my people's love." O! moſt unhappy, and moſt deluded 'people of France! ſurely when you hear that your Sove-'reign uttered theſe affectionate expreſſions, your eyes alſo 'ought to be filled with tears!'

Mr. Printer, if you think theſe paſſages, in favour of the character of the late unfortunate King of France, worth publiſhing in your uſeful paper, I may perhaps ſend you another extract from the ſame book to the ſame effect. Mr. Pope ſays, that 'An honeſt man's the nobleſt work of God.' Now I take Lewis the XVIth to have been really an honeſt man; and, if ſo, he is not the leſs to be honoured on that account, becauſe he was a King; but rather the reverſe, on account of the temptations to which Kings are expoſed from their high ſtation, and the flattery with which they are continually ſurrounded, even from their early youth, and which has a ſtrong tendency to corrupt them.

A CONSTANT READER.

F. M.

ON MR. COURTNAY'S INTENDED MOTION, CONCERNING THE PROCESS OF ECCLESIASTICAL COURTS, AGAINST PERSONS MARRIED TOGETHER IN SOME MANNER NOT ALLOWED BY LAW.

To the PRINTER *of the* PUBLIC ADVERTISER.

SIR, *May* 9, 1793.

I CANNOT but wonder at Mr. Courtnay's having put-off his intended motion concerning the women that are now in priſon, by proceſs of the Eccleſiaſtical courts, on accoupt of the difficulty of providing a remedy to this grievance. The remedy appears to me to be very obvious—it is ſimply this: To allow of ſome other mode of marrying, as legal, beſides that preſcribed by the church of England.

As the law now ſtands, there is no other mode of marrying that is clearly and indiſputably legal.—I ſay *clearly* and *indiſputably* legal, becauſe I know that the marriages of Jews and Quakers are ſpoken-of in Lord Hardwicke's marriage-act, paſſed in the year 1752, as if they were legal; which may be conſidered as a ſort of collateral, or occaſional, legiſlative confirmation of them.—Yet, if a Quaker was to die inteſtate, and in poſſeſſion of a landed eſtate of inheritance, and his wife was to claim her dower of one third part of his ſaid landed eſtate during her life; and the inteſtate's next heir, (as, for inſtance, his brother,) was to diſpute her claim to such dower, on the ground of her not having been lawfully married to the inteſtate, I do not ſee how ſhe could ever eſtabliſh her marriage; as the only known way of proving a marriage in ſuch an action for dower, is to procure from the biſhop of the dioceſe in which the marriage

was

was ſolemnized, his certificate that the ſaid parties were at ſuch a time and place joined-together in holy matrimony, *legitimo matrimonio copulati*; which certificate, I preſume, would not be granted to the Quaker's wife. And ſtill leſs does our law allow the validity of marriages performed according to the ceremonies of the Mahometan religion, or any other religion leſs known to Engliſhmen. Yet it is certain, that all perſons who are permitted to live in England, ought to be permitted to marry there; and it is likewiſe certain, that, according to the principles of the Proteſtant religion, marriage is not a ſacrament, but a civil contract. It ſeems, therefore, to be reasonable that an act of Parliament ſhould be paſſed to this effect, to wit, 1ſt, To make all the marriages celebrated in the meeting-houſes, or chapels, of Proteſtant diſſenters, (duly licenſed according to the Toleration-act) lawful: and 2ndly, To declare all marriages celebrated by Quakers, in their meeting-houſes, and by Jews in their ſynagogues, to be alſo lawful: and, 3dly, To declare that all marriages that ſhall be entered-into before the Juſtices of the Peace of any county, at their Quarter-ſeſſions, or other general ſeſſions, and perhaps, even before any two Juſtices of the Peace, ſhall alſo be lawful. This would accommodate perſons of all religions, and of all different ſects of religion, and prevent such grievances as thoſe which Mr. Courtenay propoſes to relieve. In the mean while, it muſt be obſerved, that the Eccleſiaſtical courts are not to be blamed for their conduct in this unfortunate buſineſs, as they have only done their duty with reſpect to the perſons brought before them upon a charge of Incontinence, upon the principles of the Law, as it now ſtands.

I am your

CONSTANT READER.

F. M.

REASONS WHY THE WAR WITH FRANCE COULD NOT BE AVOIDED.

To the PRINTER *of the* PUBLIC ADVERTISER.

SIR, *Sept.* 28, 1793.

I AM one of those who lament the war we are now engaged in with France as a very great evil, but think it is an evil of neceſſity, that could not have been avoided, and therefore muſt be ſubmitted-to with patience, and carried-on (as it has been) with vigour.

My reaſon for thinking it could not have been avoided is, that it ſeems to have been a fixed principle of the new republican governours of France (though not of the makers of the former Conſtitutional Monarchy, as it is called) to extend their new mode of government to other nations. Their reſolutions of the 15th and 30th of laſt December, 1792, prove this beyond a doubt; and their bold and wanton Declarations of war againſt both Spain and Great-Britain at the ſame time, and their invaſion of Holland by laying ſiege to Williamſtadt, and taking poſſeſſion of Breda, are notorious confirmations of it.—And lately Mr. Mallet du Pan, the bold and upright author of the valuable French periodical paper, called *Le Mercure de France*, which was publiſhed every week (if I miſtake not) from the firſt meeting of the States General of France in May, 1789, to the beginning of Auguſt, 1792, when Monarchy and the Liberty of the Preſs were aboliſhed together, and the practice of aſſaſſination,

aſſaſſination and of ſummary trial and condemnation by the mob, or, as they are called, *the ſovereign people*, acting in their own perſons, and not by their repreſentatives, was adopted, and, at leaſt, connived-at by the Convention.—I ſay, this Mr. Mallet du Pan has lately given us an extract from a letter of Monſieur Briſſot (a great leader of the republican party in France) written in confidence to one of his friends, (who was a Member of the French Convention, and deputed by them to ſuperintend the Generals of their armies,) which expreſſly avows this moſt dangerous and hoſtile principle. The words of Monſieur Briſſot are as follows: "Il faut incendier les quatre coins de l'Europe: Notre ſalut eſt là:" That is, "We muſt ſet the four corners of Europe on fire: Our ſafety lies in that."—This paſſage of Mr. Briſſot's letter is contained in the 37th page of a pamphlet of Mr. Mallet du Pan, lately publiſhed, which is entitled, "Conſidérations ſur la Nature de la Révolution de France, et ſur les Cauſes qui en prolongent la durée," and contains much curious and important information.—Mr. Mallet likewiſe informs us (in page 32 of the ſame pamphlet, note 1), that this ſame Monſieur Briſſot, about laſt September, 1792, when the mob of Paris was plundering and beheading the editors of news-papers of a contrary party to himſelf (who is alſo a publiſher of a news-paper), excuſed all theſe enormities by ſaying, "That "it was proper to yield to the peculiar circumſtances of "the times, and to let the laws ſleep a little with reſpect "to the perpetrators of them;" and he further informs us, that the ſame Monſieur Briſſot publickly and ſolemnly boaſted, "That he had been the cauſe of the French "Government's declaring war againſt the Auſtrians in April, "1792, with a view to find an opportunity, on the firſt "failure of ſucceſs of the French arms, of throwing the blame "of ſuch failure upon the King, and accuſing him of collud-

"ing

" ing with the enemy, and betraying the cauſe of France, " and, by means of ſuch accuſations, of driving him from " the throne."

Mr. Mallet du Pan informs us of another curious fact, which ſhews us how much the preſent rulers of France are loſt to all ſenſe of juſtice or humanity.

There are now in France many bloody Tribunals, lately erected for trying crimes againſt the State, which are called Revolutionary Tribunals, beſides the principal one, which is at Paris, and by which ſo many unhappy perſons have been put to death. One of theſe is for the Department of the river Ain, and the priſon belonging to it is at a place called Bourg. Many priſoners of different ranks and conditions were confined in this priſon of Bourg for pretended State-crimes. But, as there were no proofs of their guilt, the Judges of the revolutionary Tribunal of that Department did not condemn them to die. This regard to juſtice was conſidered by the Commiſſioners from the Convention, who were ſent to ſuperintend their proceedings, as a criminal ſlackneſs and neglect of their duty, and the Commiſſioners upbraided them on account of it; to which when they anſwered, " that they could not find in their hearts to " condemn to death a crowd of citizens of all ſorts and " conditions that were then in the priſons, without having " proofs of their guilt"—the Commiſſioners replied ſharply, and with countenances full of anger, " Why! if we had " thought it neceſſary to proceed only upon proofs, could " we ever have condemned Lewis Capet?" Such are the perſons who now govern the French nation.

Before I conclude this letter, I will juſt mention what I take to be the grand miſtake of the French nation, and of the political writers whoſe ſentiments they have adopted, within the laſt four or five years. It is, " that civil government ſhould be adminiſter d by the people at large." Now this

this is totally impracticable in a large country, ſuch as England or France, and very abſurd and inexpedient in a ſmall country, ſuch as one of the ſmaller Swiſs Cantons, or the Republic of Geneva. On the contrary, it is in all caſes expedient to delegate the power of Government to a *ſelect part* of the ſociety that is to be governed; whether, to one perſon, (which makes an Abſolute Monarchy) or to one perſon with an aſſembly of repreſentatives choſen by the people, or by the land-holders or houſe-holders of the country (which would make a Limited Monarchy ſimilar to the late Conſtitutional Monarchy of France,) or to one perſon with two aſſemblies, the one conſiſting of the richer part of the ſociety, either holding their ſeats by Inheritance, to make them independent of the King, or appointed by the King for life, but with certain neceſſary qualifications of large property or high offices; and the other choſen by the people, or by the land-holders or houſeholders among the people, (which would make a Limited Monarchy, ſuch as that of England) or to one or two ſelect aſſemblies, without a ſingle perſon, which would make a Common-wealth, or Republick. Theſe and other ſuch modifications of the publick power, delegated by the whole ſociety to a ſelect part of it, are practicable ſchemes, and may produce a tolerable ſyſtem of Government, under which a civil ſociety may flouriſh and be happy.

But for the whole people to retain the power of the Government in their own hands, and exerciſe it themſelves, is the height of all abſurdity, and was never attempted before the preſent experiment in France; of which we ſee, and feel, and lament, the horrid effects!

In all the ancient republicks of Greece and Italy, the majority of the people were ſlaves. In Athens (which is often mentioned as a noble democracy, in which the people governed themſelves,) there were only 20,000 free citizens, and 400,000 ſlaves; that is, twenty parts out of twenty-one were governed by the remaining twenty-firſt part.

In Sparta, the *Helots*, who were kept in a ſhameful ſtate of ſlavery, were much more numerous than the free Spartans. And the like obſervation may be made on the inhabitants of Rome, and the other Republican governments of antiquity.

In ſhort, the truth is, firſt, that all juſt government is *for* the people, and ought to have their welfare and happineſs in view as its grand object, and not the happineſs of the governing few, otherwiſe than in common with the governed, or inferior members of the ſociety; and, ſecondly, all juſt government is derived from the people, or founded on their conſent, either expreſſed or implied, ſince no man, or body of men, have received an expreſs commiſſion from the Supreme Being to govern their fellow-creatures; but, thirdly, it is equally true that all good government ought to be veſted in a ſelect part of the people, with the choice and conſent of the reſt, and not in the people at large, and that it ſhould be adminiſtered by ſuch ſelect part, and ſhould be ſubmitted-to by the reſt of the people with chearful, reſpectful, and grateful, obedience, which is commonly called *loyalty*, till ſome enormous abuſes of the powers of government, by the governing part of the ſociety, have been complained-of, and petitioned-againſt, by the perſons who have ſuffered from them, and yet have not been corrected and reformed, but inſolently perſevered-in and repeated; in which caſe there lies in the people at large *a moral right*, not to govern themſelves, but to diſſolve the government which they had before adopted, diſmiſs their governours, and chooſe better men in their ſtead, and, if neceſſary, a better form of government than they had before; and then ſubmit to ſuch new governours and new form of government with the ſame deference, reſpect, and humility, with which they had before ſubmitted to the former government, while it had

had been juſtly adminiſtered, and before the exiſtence of the abuſes which had given occaſion to its overthrow.

Every interference of the people at large with government, beyond this, leads only to confuſion and miſery.

I remain,

Your moſt humble ſervant,

A CONSTANT READER.

F. M.

THOUGHTS ON THE LATE NEGOTIATION FOR PEACE.

To the PRINTER *of the* MORNING HERALD.

Mr. EDITOR, *Oct.* 1, 1797.

ON reading in your Paper this morning, that the French Directory inſiſted, in the late negotiation at Liſle, on Great Britain's reſtoring all the conqueſts ſhe has made both from the French and from the Dutch before they will conſent to Peace with us, it occurred to me that ſuch a demand would give us a juſt pretence for forming a counter-demand of ſomewhat the ſame nature, but much more moderate in its extent, upon them and their allies, the new Batavian Republic. This demand is, that the French Government would reſtore to the Batavian Republic the town of Maeſtricht, and all the reſt of what was called Dutch Brabant, and every thing elſe that the late Dutch Government poſſeſſed in the Low Countries before the French invaſion; and would alſo cede to them the city and Marquiſate of Antwerp, and the town of Oſtend, with the diſtrict adjoining it; and that the Batavian Republic would reſtore to the prince of Orange all the eſtates which have been taken from him, and which belonged to him as prince of Orange, independently of his office of Stadtholder. Such a propoſal would, I ſhould ſuppoſe, be agreeable to the Batavian Republic, as it would tend, in ſome degree, to reſtore them to a ſtate of independence of France, of which they are at preſent little better then a province: and it would be but a ſmall diminution of the large

and

and populous territories acquired by France in this unfortunate war, by the conqueſt of the reſt of the Auſtrian Netherlands, which it is now in vain to think of wreſting from them, though it is a great misfortune to us, as well as to the inhabitants of thoſe provinces themſelves, and to their late Sovereign, the Emperour of Germany, and to the Dutch, that thoſe provinces have been conquered by them. For this unhappy event, we are to thank the arbitrary encroachments made on the liberties of thoſe inhabitants by the late Emperour Joſeph II. in breach of the oath he had taken to maintain thoſe liberties, and of the Treaty of Utrecht, by which alone he had any right of ſovereignty over thoſe countries: perhaps alſo we may thank the ſupineneſs and negligence of our own Government at that time, in not interfering with that raſh and tyrannical Emperour, in the beſt manner we could, to check his proceedings, and protect the liberties of thoſe people, as being guarantees of the Treaty of Utrecht, by which thoſe liberties were promiſed to be continued to them. Theſe things, however, are now paſt, and the miſchiefs of various kinds produced by them are irreparable. But, though thoſe provinces cannot now be recovered from France, yet, ſurely, we may hope to procure the ſmall portions of them above-mentioned to be reſtored and ceded to the Batavian Republick, in order to procure it a moderate degree of independence: and this would be of great importance towards the preſervation of our own independence. Perhaps, alſo, as great changes are now making over all Europe, it might be expedient for us to give up Gibraltar to the Spaniards, in exchange for the iſland of Minorca, which, though not quite ſo ſtrong as Gibraltar, could not have been taken from us, either in the year 1756, or the year 1781, if the garriſon had been ſtronger than it was by only 1500 or 2000 men.

And, as the Weſt-India Colonies will be of no uſe either to us or any other of the European States to which they be-

long, unleſs the negro ſlaves in them continue in a ſtate of ſubjection and induſtry, I could wiſh that we ſhould retain Martinico, and have all the other French Colonies there, ſuch as Guadaloupe and St. Domingo, ceded to us, or ceded to the Spaniards, by the French; and, in conſideration of ſuch ceſſions, we ſhould be ready to pay to the French a ſum of two or three millions of pounds ſterling. This meaſure I ſhould conſider as expedient, not from an avaricious deſire of monopolizing all the ſugar-iſlands in the Weſt-Indies, but for the ſake of preſerving our own former ſugar-iſlands, which will ſoon be rendered uſeleſs to us, and even become a nuiſance both to us and to all the commercial States in the world, if Martinico, Guadaloupe, and the other French iſlands, ſhall be brought into the miſerable ſtate of St. Domihgo, by the ſudden emancipation of the negro ſlaves. I would not, however, be ſuppoſed to be a friend to the Slave-trade: for I heartily wiſh it were aboliſhed, according to Mr. Wilberforce's benevolent, and, as I think, prudent, plan, and that without further delay. But this is quite a different queſtion from that of the emancipation of the negroes already in the Weſt-India iſlands; for ſuch an emancipation, beſides being an enormous injury to the Planters who own them, would throw every thing into confuſion, and bring on the general miſery of all the inhabitants of thoſe Colonies, the negroes themſelves, as well as the white men, their maſters.

It is only to avoid ſuch general ſcenes of miſery and deſolation that I ſhould wiſh to have the French iſlands ceded to us; and I ſhould, therefore, be almoſt as well pleaſed to ſee the whole iſland of St. Domingo ceded to the Spaniards (who are ſaid to be the mildeſt and moſt judicious maſters of ſlaves of any of the European nations that have ſettled in America), as to the Crown of Great Britain. The preſervation of our own independance and of our property, and not the acquiſition of more power, or wealth, or trade, ought now

to

to be our great object; and to this object the meaſures I have ſuggeſted would contribute.

As to the propoſal of paying two or three millions of pounds ſterling for thoſe iſlands, I confeſs it is a mortifying and humiliating condition; but we are not victorious in the preſent war, and muſt ſubmit to the inconveniences reſulting from the ill ſucceſs of it: and we ought to recollect, that, at the enormous rate of expence at which this war has been carried-on, (whether ſuch expence has been neceſſary or not, I do not pretend to determine;) three millions of pounds ſterling is leſs then the expence of carrying-on the war for only two months; and, conſequently, many a ſum of three millions muſt be ſpent in conſequence of our refuſal to pay this, or ſome ſuch, ſum, if the French ſhould be diſpoſed to accept of it as the price of thoſe iſlands and of an immediate peace.

If these conditions were complied-with by the French, I ſhould think Great Britain ought to think herſelf happy to obtain the reſtoration of peace by the ceſſion of the French factory of Pondicherry, the Dutch iſland of Ceylon, and the value of the ſhips deſtroyed at Toulon; and even of the Cape of Good Hope, and of every other place that we may have taken from either the French or the Dutch Republicks in the courſe of the war.

A LOVER OF PEACE.

F. M.

REFLECTIONS ON SOME OF THE MOST IMPORTANT ARTICLES THAT IT WOULD BE REASONABLE TO ADOPT IN FORMING A LEGISLATIVE UNION OF THE TWO KINGDOMS OF GREAT BRITAIN AND IRELAND; WHICH WAS A MEASURE THAT WAS MUCH THE SUBJECT OF CONVERSATION IN THE YEARS 1797 AND 1798, AND WHICH WAS AFTERWARDS CARRIED INTO EXECUTION IN THE YEAR 1800.

To the EDITOR *of the* OLD ENGLISHMAN *and* ANTI-JACOBIN EXAMINER.

SIR,

I HAVE read with great pleasure a pamphlet published at Dublin, and since republished at London, entitled, "*Arguments for and against an Union between Great-Britain and Ireland considered,*" in which the writer sets-forth the great advantages that would accrue to both kingdoms from such a measure in so full and clear a light, that I hope it will overcome the prejudices that have been hitherto entertained on both sides the Irish Channel against the measure, and will prove the means of inducing both kingdoms to adopt it. Seventy or eighty years ago, I believe, a proposal of this kind made by Great-Britain would have been chearfully and thankfully acceded-to by the Irish Nation: but then the British Nation was too proud to offer it. And for these last twenty years, when Great Britain would probably have been willing to consent to it, the Irish Nation have been too proud to accept it. But now that a rebellion has been raised in Ireland upon the new French principles, or, rather, pretensions, *of Liberty and Equality*, that is, in truth, upon the

the principles *of robbery and murder*, or with a view to rob the eſtabliſhed church of Ireland of its tythes and other property, and the nobility and gentry of their eſtates, and that a great part of the peaſantry of Ireland has been ſeduced by Mr. Wolfe Tone, Mr. Napper Tandy, Mr. Archibald Rowan, and their other pretended patriots, to join in this rebellion, without even the pretence of a real grievance, and to invite the republicans of France, (the deſtroyers and plunderers of the *really free* countries of Holland, Brabant, and Switzerland,) to invade their country and aſſiſt them in their project of forming themſelves into a republick similar to that of France; and the Parliament and Government of Ireland have found themſelves unable to repress this rebellion, without the help of many thouſand Britiſh troops;—it may be hoped that they will ſee the neceſſity of a cloſer and more intimate connection with Great-Britain, in order to prevent a return of the like dangers. Taking it therefore for granted that this wiſe, and indeed indiſpenſable, meaſure of an Union between the two kingdoms will be thought reaſonable on both ſides the Iriſh Channel, I ſhall beg leave to mention ſome thoughts that have occurred to me concerning the terms of it.

In the firſt place then, as I ardently deſire to ſee this great meaſure adopted, I would endeavour to make it palateable to the Irſh nation by allowing them a very ample number of repreſentatives in the Britiſh Parliament, to wit, fifty members in the Houſe of Lords, and a hundred members in the Houſe of Commons. Of the fifty members in the Houſe of Lords, eleven ſhould be Iriſh Biſhops, which is half the whole number of archbiſhops and biſhops in Ireland; and theſe ſhould be the four arch-biſhops and the biſhops of the ſeven richeſt biſhopricks in Ireland, which ſhould be enumerated in the act of Union. But, if the biſhops of the ſees did not attend the Parliament on the

firſt

firſt day of any Seſſion of Parliament, the other biſhops, of ſees not enumerated in the act of Union, might attend in their ſtead, and ſhould be intitled to receive from the ſeveral biſhops in whoſe ſtead they attended, the ſum of 500 pounds to defray the expence of their attendance. The other 39 Iriſh Lords who ſhould be admitted into the Britiſh Houſe of Lords, ſhould be ſuch as were not already Britiſh peers, and ſhould be elected by ſuch Iriſh Lords as were not already Britiſh peers. And for the future no new peers ſhould be created for Ireland only, any more than there have been new peers created for Scotland only ſince the Union of the two kingdoms in the year 1707; but all new peers ſhould be peers of Great-Britain. As to the hundred members to be admitted into the Britiſh Houſe of Commons, I ſhould think it would be expedient to permit all the members for Counties to make a part of them, and to fill-up the remainder of the number from ſome of the moſt eminent cities and trading-towns in Ireland, ſuch as Dublin, Cork, Belfaſt, Athlone, Londonderry, Armagh, Waterford, Limerick, Port-Arlington, Kingſale, Liſburne, Inniſkillin, Galway, Athy, Kilkenny, Wicklow, and Dundalk. This method of compoſing the Iriſh members of the Britiſh Houſe of Commons would in a great meaſure operate as a reform in the repreſentation of that houſe, which is thought by many perſons to be a matter of the greateſt importance. For there are 34 Counties in Ireland, each of which ſends two members to parliament; ſo that, if this method of compoſing this addition to the Britiſh Houſe of Commons were to be adopted, we ſhould have 68 new members of Counties in that Legiſlative aſſembly, which would go a great way towards effecting the improvement of its conſtitution ſuggeſted by the late much-admired Miniſter, the Earl of Chatham, who propoſed that an hundred additional members for Counties ſhould be admitted

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ed into the Britiſh Houſe of Commons, in order, as he expreſſed it, *to infuſe new and wholeſome blood*, that is, new life and independance into it, in oppoſition to the members for boroughs, who are ſuppoſed to be too often ſeekers of promotion and pecuniary emolument, and to have procured their ſeats in parliament with a view to advance their fortunes. This moderate plan of reform, ſuggeſted by the Earl of Chatham, has met with the approbation of many perſons in England, who are firm friends to our preſent form of Government by a Limited Monarch with two houſes of parliament, a houſe of Lords and a houſe of Commons, and are therefore determined enemies of French republicaniſm, and of all ſuch violent plans of reforming Parliament as, by removing the foundations of our preſent ſyſtem by too great an extenſion of the right of election, would naturally tend to introduce it. And this moderate reform would be in a great meaſure brought-about by the admiſſion of the 68 members of the Iriſh Counties into the Britiſh Houſe of Commons, and by the admiſſion of the remaining 32 members of the hundred from elections made by the great cities and trading-towns of Ireland, inſtead of the ſeveral paltry, little, boroughs, totally dependent on ſome Lord, or rich Commoner, by which, (as I have always heard,) the members for boroughs in the Iriſh Parliament are now elected. As to the Lords and rich Commoners who have influence enough to nominate the members for the boroughs that, upon this plan, would be deprived of their right of election, I would propoſe that they and their voters ſhould receive a ſum of money from the publick treaſury, either of Great-Britain or Ireland, in compenſation of the loſs of their privileges; juſt as the proprietors of certain hereditary Juriſdictions in Scotland, that were found to be prejudicial to the tranquillity of the kingdom, were bought-out of them with publick money

money after the Scotch rebellion about fifty years ago; an event, Mr. Printer, that I well remember. I preſume one million of pounds ſterling would be ſufficient for this purpoſe; and I ſhould be glad to ſee it ſo employed, even though it was advanced out of the Engliſh treaſury.

In the ſecond place, I conceive it ought to be ſtipulated in the act of Union, if this beneficial meaſure ſhall be adopted, that all the debts of the kingdom of Ireland already contracted at the time of the Union, ſhall be paid, or provided-for, by taxes raiſed in Ireland, and all the debts of Great-Britain already contracted at the time of the Union, ſhall be paid, or provided-for, by taxes raiſed in Great-Brirain; but that all debts to be contracted after the Union ſhall be conſidered as belonging to the whole united kingdom of Great-Britain and Ireland, and be paid, or provided-for, by taxes raised in both countries. This would be neceſſary to remove from the minds of the Iriſh nation the apprehenſion of being obliged to bear a part of the burthen of the enormous publick debt already incurred by Great-Britain.

In the third place I conceive that the tythes due to the Church of Ireland, and to other holders of them, ought to be continued and confirmed, and declared to be ſo in the act of Union, and not changed into any *modus decimandi*, or other payment to be ſubſtituted for them; in which point I am ſorry to differ from the author of the excellent pamphlet above-mentioned. But I have been ſatisfied from what is advanced in Dr. William Hales's *Obſervations on Tythes* (which have been reprinted in England a few years ago, and are now to be had at Mr. White's, the bookſeller in Fleet Street,) "that no other payment can be made to the clergy in lieu of tythes, but what will be ſubject to greater inconveniences than are found to belong to the tythes, though theſe may ſometimes be great." And, as to the objection often made

made to the injuſtice of making the Iriſh peaſants, who are moſtly Roman-Catholicks, pay tythes to the Proteſtant Clergy, I beg leave to make an obſervation, which will at leaſt diminiſh the weight of it, if not totally remove it. The burthen of paying tythes falls ultimately upon the owner of the land, and not upon the tenant or occupier of it, though the latter pays it to the rector: for, if the tythe were totally aboliſhed, the owner of the land would immediately raiſe his rent upon the occupier, and make him pay an additional ſum, at leaſt equal to, and often much greater than, the tythe which he had before paid to the rector; and thus the poor Roman-Catholick occupier of land in Ireland would be no ways benefitted by the total abolition of the tythes. I have been aſſured that judicious farmers in England often prefer a tytheable farm to one of the ſame ſize and fertility that is tythe-free, becauſe of the great addition of rent that is required for the latter, and which more than balances the tythe, or compoſition for tythe, uſually paid to the rector for the former. Now it ſeems to be agreed that nine tenth-parts of the Land in Ireland is the property of Proteſtants. Is it therefore unjuſt that the payment of tythes, which falls chiefly upon the Proteſtants, ſhould be applied to the ſupport of the teachers of their religion? If there is any injuſtice in the matter, it ſeems only to relate to the payment of tythes to the Proteſtant rector by a Roman Catholick occupier of ſuch land as belongs to a Roman-Catholick owner, becauſe in that caſe the Roman-Catholick land-owner contributes to the ſupport of the Proteſtant religion, which he does not believe. But theſe caſes happen but ſeldom, becauſe of the ſmall number of Roman-Catholick owners of Land in Ireland; and the like irregularity happens in every country where any particular religion is eſtabliſhed, or its teachers are ſupported by any ſort of payments appointed by Law; for theſe payments muſt be made by the few that do not believe

lieve the religion ſo eſtabliſhed as well as by the many who do believe it; of which we have an example here in England, in the tythes paid by Roman Catholicks, and by Quakers and other Proteſtant diſſenters, to the clergy of the church of England. But my letter is growing rather too long, and therefore I here conclude it.

I am,

Your moſt humble Servant,

AND CONSTANT READER.

F. M.

N.B. This Letter was ſent to the Editor of *the Old-Engliſhman and Anti-Jacobin Examiner*; but he did not think fit to publiſh it.

ON PERSONS IN HOLY ORDERS BEING INELIGIBLE TO SERVE AS MEMBERS OF PARLIAMENT.

To the PRINTER *of the* PORCUPINE.

MR. EDITOR, *May* 19, 1801.

I HAVE been somewhat surprized that in the late debates in the Houſe of Commons on the supposed ineligibility of persons in holy orders to be chosen members of that House, the maintainers of this excluding and disfranchising opinion, have endeavoured to deduce it from the supposed Indelibility of the Prieſtly Character, as if it were impossible for a Priest to become a member of the House of Commons, without first totally renouncing the character and condition of a Priest or a Deacon, which, they say, cannot be renounced. How far it is possible to renounce the character and condition of a Priest or a Deacon, is a question of spiritual, or canonical, law which I will not pretend to determine. But this I will venture to assert, "that the character and condition of a Priest or a Deacon, though retained, is no legal bar to the exercise of many lay-employments, which are as different from the proper duties of a Priest, as that of representing the electors of a parliamentary borough in the House of Commons." Of this I will mention a few examples: Dr. Williams, bishop of Lincoln, was Lord-Chancellor of England, in the protestant reign of King James the First; Dr. Juxon, bishop of London, was Lord-Treasurer of England in the following reign of King Charles the First;

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Dr. Robinson, bishop of Bristol, was one of the three Ambassadors of Queen Anne at the treaty of Utrecht; the Reverend Mr. Frederick Harvey, now bishop of Londonderry in Ireland, and Earl of Bristol, was, for a great part of his life, and until he was made bishop of Derry, a clerk of the Privy Seal, and at this day he is permitted to sit in the House of Lords by virtue of his temporal peerage, as Earl of Bristol: and the Rev. Mr. Cholmondeley holds to this day the employment of Auditor-General of the King's Revenues arising in America; and hundreds of clergymen throughout England are justices of the peace, that is, criminal judges of great authority, which is surely an employment as different from the proper duties of the priestly character, as granting money to the Crown, or proposing good laws for the better government of the people, in the capacity of one of their representatives in Parliament. Farther, many persons in holy orders have been known to practice Physick as a profession; and amongst others, the famous Dr. Willis, to whom the nation has great obligations for his successful exertions in that capacity about 12 years ago; nay, some persons in holy orders have even held commissions in the army, of which one remarkable instance occurs to me at this moment; I mean that of the Rev. Dr. Walker, the rector or vicar of Londonderry, in Ireland, who so bravely defended that city at the head of his zealous protestant parishioners, in the year 1689, against a Popish army commanded by a French General, who besieged it in the name of King James the IId, after he had abdicated the Crown and King William had been appointed his successor. This worthy clergyman, in consequence of the success of his noble exertions in the defence of Londonderry, was seized with a fit of military ardour, which made him desirous of obtaining a commission in the army; and he obtained one from King William, though the King is said to have advised him, at the same time, with his usual good sense and sound judgement,

judgement, to decline any farther connection with the army, and return to the exercise of his former peaceable profession. But, as the Doctor did not think proper to follow this good advice, the King gratified him by giving him a commission in the army; and he was killed, if I remember right, the next year at the famous battle of the Boyne. Now, if clergymen may exercise all these lay-employments without renouncing the office, or character, of a Priest, surely they may likewise accept the occasional and temporary employment of representing a set of burgesses in the House of Commons, during a single Parliament, without renouncing that character. If, therefore, they are at present legally incapable of representing a County, or a Borough, in Parliament, their Incapacity must arise from something different from the supposed Indelibility of the character of a Priest; as, for example, from their being represented in the Convocation of the Clergy, or some such reason. But, in truth, I think that all the reasons, that have hitherto been alleged in proof of their incapacity to be elected members of the House of Commons are frivolous and insufficient, and consequently that they are at present legally capable of being so elected. However, I confess, it might be inexpedient to permit clergymen that were possessed of Benefices with cure of souls, and, perhaps, even clergymen that were Prebendaries of Cathedral churches, or who possessed any other clerical preferments, to have seats in the House of Commons; as it might tend to give a wrong bias to the studies and pursuits of clergymen, and thereby render them less respectable in the eyes of the people, and consequently less useful in the line of their sacred profession. And, therefore, though I do not think that, as the law now stands, even clergymen so circumstanced are incapable of sitting in the House of Commons, yet it might, perhaps, be prudent to pass an act of Parliament to exclude them from the House of Commons; and also to render them incapable of receiving any Benefice, or Prebend, or other church-preferment, while

they were in the House of Commons, and for a certain time (as for example, six years) after they had been members of it, if they had been admitted into holy orders before they had been chosen members of that House, and then had quitted their Preferments, or Employments, in the church in order to qualify themselves to become members of the House. This incapacity of their receiving any church-preferment while they were members, and for a certain time after they had ceased to be members, of the House, might be useful in preventing services done to Ministers of State, by supporting their measures in Parliament, from becoming a channel of preferment to Bishopricks, or other great stations in the church, which ought in general to be bestowed on those clergymen who distinguish themselves by a faithful and diligent discharge of the pastoral duties of their venerable profession. But to disfranchise a whole body of twelve, or fifteen, thousand men from becoming the representatives of their countrymen in Parliament, and to deprive the electors of members of Parliament of the liberty of chusing their representatives out of so numerous a body of well-educated, intelligent, men, whose merits may be known to them by their residence among them, and the services they have received from them, without such circumstances as those above-mentioned, (which may be thought to render such a measure necessary), seems to be too harsh and vague a method of proceeding, and not agreeable to the Caution and Tenderness that are usually exhibited by the British Parliament in modifying, or restraining, the rights of their fellow-subjects.

I remain your most humble servant,

A CONSTANT READER.

F. M.

THE

ON THE RIGHT OF SEARCHING NEUTRAL VESSELS, IN ORDER TO DISCOVER AND SEIZE ON ANY PROPERTY BELONGING TO AN ENEMY, THAT MAY BE ON BOARD THEM.

To the PRINTER *of the* PORCUPINE.

[THE following communication was ſent us ſoon after the appearance of SULPICIUS'S LETTERS. At that time, it was thought not altogether unexceptionable, on the ſcore of prudence, to publiſh it, as it might have awakened doubts where none already exiſted. The reader will perceive, that it was intended to excite SULPICIUS to inquire more fully into this part of the ſubject, of which he had ſo ably treated. Since the queſtion has undergone ſo ample a diſcuſſion, both in and out of Parliament, our Correſpondent informs us, that he has very little doubt remaining; yet he wiſhes the matter to be placed beyond the poſſibility of doubt, and therefore requeſts, that his article may be publiſhed, in the hope, that it may draw-forth from SULPICIUS, or ſome other writer, a full, clear, and ſatisfactory reply.]

SIR, *June* 2, 1801.

I think the Publick is much obliged to your very able correſpondent, who ſigns himſelf *Sulpicius*, for his information on the ſubject of the armed Neutrality of the Northern Powers lately entered-into, to the evident prejudice of Great Britain. And in moſt of the propoſitions he has laid-down in his excellent Letters, I entirely agree with him, for the reaſons which he has alleged. He has well proved, in my opinion, that, as the Law of Nations now ſtands, where it

is not controled by ſome particular treaty, the Britiſh cruiſers have a right to ſeize French property on board neutral veſſels, and likewiſe to ſeize goods that are neutral property on board neutral veſſels, if the ſaid goods are *contraband of war*, that is, military ſtores, ſuch as implements of war, ſalt-petre, ſulphur, and other ſuch materials, immediately applicable to warlike purpoſes, and perhaps, *naval ſtores, fit for the equipment of ſhips of war*; though, as to this laſt article, there ſeems to be ſome room for doubt. And, as a neceſſary conſequence of this right of ſeizure, without which the ſaid right would be nugatory and uſeleſs, our cruiſers muſt have a right to viſit, and, in ſome caſes, to search, the neutral veſſels they fall-in-with on the high ſeas, in order to diſcover whether they have, or have not, any property liable to ſeizure. But, as to the manner of exerciſing this right, a doubt has occurred to me, which I wish your correſpondent *Sulpicius* would clear-up. For, from ſome weighty arguments alleged in Profeſſor *Schlegel's* tract on this ſubject, and from two of the treaties alleged in the Appendix to Sulpicius's own Letters in ſupport of his doctrines, it appears to me that this right of viſiting and ſearching is appointed by the general law and practice of maritime nations on this ſubject, to be performed in the following manner. The British armed veſſel has a right to ſtop the neutral merchant-ſhip, and to ſend a boat with the Captain of the armed veſſel, or his Lieutenant, and a Secretary, or Clerk, to write-down what ſhall be neceſſary to record the tranſaction, and at moſt, one perſon more, that is, three perſons in all, beſides the ſailors neceſſary to the rowing of the boat, to viſit the neutral veſſel; the Britiſh cruiſer being all the while at ſuch a diſtance from the neutral ſhip that its cannon-ſhot could not reach her, to the end that no undue terror may influence the crew of the neutral ſhip. Theſe two, or three, perſons, muſt be admitted on board

board the merchant-veſſel, and muſt require the Captain of it to produce a paſſport from the King of the Country to which the neutral veſſel belongs, (as, for example, the King of Denmark), teſtifying, "That the owners of the neutral veſſel have declared upon oath, before his cuſtom-houſe officers at the port from which the ſhip ſailed, that they and other ſubjects of the ſaid king are the ſole owners of all the property put on board the ſaid ſhip, and that the ſhip is bound to ſuch a particular port, to which ſhe has a right to trade," and he muſt likewiſe produce a certificate from the chief magiſtrates of the port from which the ſhip ſailed, declaring, "That the owners of the ſhip had made oath, that the ſhip, and all the merchandize on board it, belonged to them and other perſons, ſubjects of the ſame king, and not to either of the powers now at war, or to any of the subjects of either of the ſaid powers, and that none of the goods on board it were prohibited goods;" and when this paſſport and certificate have been produced to the three perſons appointed to viſit the ſhip, they are bound to reſt ſatisfied of the ſhip's having no ſeizable property on board, and they have no right to break-open any cheſts, or open any bales of goods, or further inquire into the lading of the ſhip, in order to diſcover whether the declarations of the paſſport and certificate are true or not; and the merchant-ſhip muſt be permitted to purſue its voyage unmoleſted. But, if no ſuch paſſport and certificate are produced, I preſume the cruiſers may exerciſe their right of ſearching for contraband goods, according to their own diſcretion; and, likewiſe, if they ſuſpect ſome of the goods to be enemies' property, they may detain the ſhip and carry her into a Britiſh port upon ſuſpicion, in order to have that matter deliberately inquired into and aſcertained. This ſeems to be the regular manner of proceeding, authorized by the general law and practice of civilized maritime nations, with reſpect to neutral merchant-ſhips not eſcorted by ſhips of war.

But, when the merchant-ſhips are eſcorted by a ſhip of war, the mode of proceeding ſeems to be leſs certainly determined, either by practice or written documents recognizing it, ſuch as Treaties of Commerce, Marine Ordinances, or Inſtructions of Governments to the Captains of their ſhips of war; yet, upon the whole, we may collect it to be as follows. The Britiſh ſhips of war that meet with a fleet of neutral merchant-ſhips, eſcorted by a ſhip of war, ought to apply to the Commander of the ſhip of war to know their deſtination, and the nature of the goods that are on board them, inſtead of ſending a boat with two or three perſons to viſit each of the merchant-ſhips, and inſpect their paſſports and certificates, or other public papers: and, if the ſaid Commander declares, "That the ſhips and their cargoes are entirely the property of the ſubjects of his ſovereign, and that none of the goods are contraband, and that the proper declarations upon oath upon this ſubject have been made by the ſhippers of the goods before the magiſtrates, or cuſtom-houſe officers, of the port in which the veſſels were laden;" this Declaration of the Commander of the ſhip of war that eſcorts them ought to be received as ſufficient teſtimony of the ſhips and their cargoes being neutral, and not liable to ſeizure, and the ſaid merchant-ſhips ought to be permitted to purſue their voyage without further moleſtation. This, at leaſt, is the method of proceeding preſcribed for this caſe by the only treaty, if I recollect right, that makes mention of this caſe amongſt all the treaties relating to this queſtion that have been produced, either by Profeſſor *Schlegel*, or *Sulpicius*. And it ſeems to be confirmed in practice by the reſiſtance made by Captain *Dedel*, a Dutch captain of a man of war, in the year 1762, to an attempt made by an Engliſh ſhip, or ſhips of war, to viſit ſome Dutch merchant-ſhips, which he was directed by the Dutch Admiralty to eſcort; and by the approbation beſtowed on him by the Dutch Admiralty for having made ſuch reſiſtance: and likewiſe by the

the conduct of the brave *Earl of St. Vincent*, in the preſent war (as ſtated by Profeſſor *Schlegel*,) in releaſing a neutral merchant-veſſel, (that had been taken by one of his cruiſers, as ſuſpected of having enemy's goods, or contraband goods, on board, when the Commander of a ſhip of war of the ſame nation came up a little while after, accompanied by a large fleet of merchant-ſhips of the ſame nation, that he was appointed to eſcort, and teſtified to the Earl of St. Vincent, that the ſhip which his cruiſers had taken had made a part of this fleet, and had ſtrayed from it by ſome accident, that had made her be conſidered by their captors as a ſingle veſſel and not intitled to his protection. The inſtant releaſe of this veſſel by *Lord St. Vincent*, with an apology for the capture, as having been owing to a miſtake, is ſurely a pretty good proof, that ſuch is the privilege of merchant-ſhips, escorted by ſhips of war, according to the opinions of ſea-officers of the greateſt Reputation and Experience. This privilege may certainly be abuſed, and may occaſion ſome inconveniences to the belligerent nations: and ſo may every regulation made for the conduct of human affairs. But it muſt be remembered that we are not now inquiring "what the law of nations *ought to be* in ſuch a caſe," (which would, indeed, be a moſt arduous and difficult queſtion,) but "what it *is*." And, as Great Britain has, throughout this war of neceſſity and ſelf-defence, (which ſhe did not ſeek, or make, but ſuffered, or received, from the inſolence of the French National Convention, in February, 1793, when governed by the miſchievous counſels of Monſieur Briſſot,) conducted herſelf with great moderation and regard to juſtice, notwithſtanding the numerous charges of a contrary ſpirit brought againſt her by the declaimers of France, I ſhould be glad to ſee her perſeved in the ſame temperate and honourable conduct to the the of the conteſt, and, for that purpoſe, avoid any attempt to make

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a new Law of Nations on this ſubject, and content herſelf with an adherence to that Law, *(ſuch as it now is,* by the confeſſion of *Mr. Jefferſon* himſelf, and other perſons by no means partial to Great-Britain,) with vigour and ſpirit, in oppoſition to the wild and capricious reſolutions of the variable Emperour of Ruſſia. And that our Government and the nation may be truly informed "what is the preſent Law of Nations in this case, of neutral merchant-ſhips eſcorted by a ſhip of war," I hope *Sulpicius* will ſift the matter to the bottom, and give us another Letter that will clear it up to general ſatisfaction.

I am your humble servant,

ARISTIDES.

F. M.

ON THE SLAVE-TRADE.

To the EDITOR *of the* BRITISH PRESS.

SIR, *April* 3, 1805.

It is a very important and ſtriking truth, worthy the ſerious conſideration of all thoſe who doubt the enormous wickedneſs of Weſt-Indian Slavery, that its moſt reſpectable champions, and even thoſe among them who, by an affectation of candour, have made the moſt powerful impreſſion on the publick mind, have been obliged to reſort to groſs miſrepreſentations of the facts upon which they reaſon. Sometimes, in order to deprive of our ſympathy the wretched victims of colonial deſpotiſm, fallacious repreſentations have been wilfully given of their conduct and character; at other times, in order to draw a veil over their ſufferings and wrongs, advantage has been taken of the ignorance of the European Publick reſpecting Weſt-Indian affairs, by diſcloſing juſt ſo much of a particular fact, as would furniſh a baſis for an inference oppoſite to the truth, and invidiouſly ſuppreſſing the reſt.

Of this practice, Mr. Brougham, in his able work, entitled, *An Inquiry into the Colonial Policy of the European Powers*, has given ſome examples in writers of the firſt reputation among the Apologiſts of the Weſt-Indian ſyſtem.

The cart-whip is the planter's ordinary inſtrument, both of coercion and puniſhment. When uſed for the former purpoſe by the driver in the field, it is generally applied to the poor labourers in their working poſture, without ſtopping to ſtrip them of the clothes by which their backs may happen

happen to be defended. The effect is ſufficiently ſevere; yet not ſo much ſo as commonly to leave permanent marks on the body. But when a puniſhment is to be deliberately inflicted, the patient is ſtretched upon the ground, with his limbs extended, and the cart-whip, (which, in the hands of an expert driver, is a moſt mercileſs inſtrument of torture,) is vertically applied, with all his force, and with an iteration ſometimes extending to an hundred laſhes, upon that fleſhy part of the naked frame, which alone can receive ſuch extreme diſcipline, without great danger to life. Not only is the ſcarf-ſkin peeled-off by every contact of the laſh, but deep inciſions are made, which often leave laſting ſcars of ſhocking appearance: from theſe ſcars very few field-negroes are wholly exempt.

This general and notorious fact having been noticed by the Abolitioniſts, in the firſt diſcuſſion on the Slave-trade, but without a diſtinct ſpecification, as it would ſeem, of the part of the body which bore theſe badges of cruelty, a tour to the Windward Iſlands was written by one Weſt-Indian planter of great eminence (Sir William Young), and publiſhed in a well-known work of another, (Hiſtory of the Weſt-Indies, by Mr. Bryan Edwards), in which the following paſſage appears: "I particularly noticed every negro whom I met, or overtook, on the road; of thoſe, I counted eleven who were dreſſed as field-negroes, with only trowſers on, and, adverting to the evidence on the Slave-trade, I particularly remarked that not one of the eleven had a ſingle mark, or ſcar, of the whip, &c.—Never paſſing a ſlave, without obſerving his back, either in the field, on the road, or wenches waſhing in the river, I have not ſeen one back marked, beſides that of the woman obſerved on Mr. G.'s eſtate, &c."

Sir William Young's object in bringing forward this ſtatement is obviouſly to diſcredit the accounts which have been

been given of the ſeverity of Weſt-Indian bondage. He is himſelf owner of ſeveral plantations, and therefore muſt have had ample means of aſcertaining the real ſtate of the caſe. But ſuch is the unfairneſs of the impreſſion which his account is calculated to produce,—an unfairneſs which could not eſcape the notice of any man having the ſlighteſt acquaintance with Weſt-Indian affairs,—that Mr. Edwards thought himſelf bound, (from regard, it is to be preſumed, to his own character for veracity,) to ſubjoin to the paſſage the following note: "In the Weſt-Indies the puniſhment of whipping is commonly inflicted, not on the backs of the negroes, as *practiſed in the diſcipline of the Britiſh ſoldiers*, but, more humanely and with much leſs danger, on the *partes poſteriores*. It is therefore no proof that the negroes whom Sir William Young inſpected had eſcaped flagellation, becauſe their ſhoulders bore no impreſſion of the whip. This acknowledgment I owe to truth and candour."

The *candid* annotator well knew that, if the juſt and neceſſary ſentence of a court-martial were to be executed by the ſame inſtrument, and to the ſame extent, as the arbitrary and, often, capricious mandate of a Weſt-Indian overſeer, the back could not be the ſeat of puniſhment without certain death to the ſufferer.

But of the *candour* of Mr. Edwards, as an hiſtorian, in what regards this hapleſs race, Mr. Brougham has furniſhed ample illuſtration; and one inſtance of it well deſerves to be noticed. A Mr. Gallifer, a planter of St. Domingo, was celebrated for his mild treatment of his ſlaves; and the conſequence of his lenity was, that they increaſed in numbers very rapidly; but, about the year 1773, this gentleman died, and the negroes found a new maſter of an oppoſite character, who treated them ſo badly, that their numbers, inſtead of increaſing as before, continually declined. Theſe facts were publiſhed by Mr. Clarkſon, in 1786, in his

his *Eſſay on the Impolicy of the Slave-trade*; and as that period was three years anterior to the Revolution in St. Domingo, of courſe there could be no room for ſuſpicion, that, with a view to the events of that Revolution, Mr. Clarkſon could have deviſed or miſrepreſented the fact of the reverſe of treatment upon Gallifer's eſtate, which had taken place fifteen years before he wrote; yet Mr. Edwards, in his *Hiſtory of St. Domingo*, for the purpoſe of ſupporting an abſurd and miſchievous calumny on the oppreſſed African race (the charge of their being wholly deſtitute of the natural ſentiment of gratitude), has inſerted the former part of Mr. Clarkſon's anecdote, but *wholly ſuppreſſed the death of Mr. Gallifer, and the change of treatment by the new maſter*, and has then given a ſhocking account of the exceſſes committed in the inſurrection by the negroes of this eſtate; as if the peculiar indulgence and kind treatment of their owner had produced the effect of making them more ferocious than the reſt of the inſurgents.

Of ſuch miſrepreſentation, if wilful, for ſuch a purpoſe, it would be difficult to ſpeak with the reprehenſion it deſerves; and yet, as Mr. Brougham obſerves, the mutilation of the caſe could not be accidental. It would be difficult, indeed, to believe, that ſo induſtrious an advocate as Mr. Edwards had not read the work of ſo diſtinguiſhed an opponent as Mr. Clarkſon, whoſe very words too he in part uſes upon this occaſion. Beſides, Mr. Edwards had been at Cape François, in the near neighbourhood of this eſtate, during the inſurrection; and he tells us, with Mr. Clarkſon, that the name of Mr. Gallifer had been proverbial for his humanity—"As happy as Gallifer's negroes:" it could hardly have eſcaped his notice, that ſo remarkable a character, who had been dead near twenty years, was not living at that intereſting period. And even were it poſſible to acquit this writer of wilful miſrepreſentation in this caſe

eaſe, his raſhneſs, in confidently aſſerting ſo extraordinary an inſtance of depravity in direct oppoſition to the truth of the caſe, muſt be fatal to his credit as an hiſtorian.

It is painful to make ſuch obſervations on a writer now no more; but Mr. Edwards, under the maſk of an affected candour and moderation, has done more to miſlead the publick mind, at the expence of truth, and of the oppreſſed African race, than all the other advocates of the Slave-Syſtem united: and we muſt not ſuffer the cauſe of millions now living, and myriads yet unborn, to be prejudiced by falſe tenderneſs to the memory of the dead.

Your's,

AN ABOLITIONIST.

ON THE SLAVE-TRADE.

To the EDITOR *of the* BRITISH PRESS.

SIR, *April* 8, 1805.

THE advocates for the continuance of the African Slave-Trade, in the dearth of ſound argument for the ſupport of their cauſe, have frequently had the effrontery to make their appeal to the Holy Scriptures. The Scriptures undoubtedly record the exiſtence of Slavery in ancient times; but ſurely it would be a very unfair inference from this admiſſion, that the Scriptures, therefore, ſanction that traffick in men which is carried-on by Britiſh ſubjects from the Coaſt of Africa, for the ſupply of labourers in the Weſt-Indian Iſlands. If ſuch a principle of interpretation were admitted, to what abſurd conſequences would it not lead! The Scriptures record the fratricide of Cain, the drunkenness of Noah, and the polygamy of David; but would it be juſt reaſoning to infer, that either murder, or ſenſuality and profligacy, were ſanctioned by the word of God? As juſt, at leaſt, as that deduced by the modern Man-Merchant from the ſale of Joſeph to the Midianites, or from the exiſtence of bondage in the Patriarchal ages, in favour of his horrid traffick.

But let it be granted, for the ſake of argument, that the Slavery mentioned in Scripture was ſanctioned by Divine authority. Will this conceſſion affect the queſtion at iſſue, or eſtabliſh the lawfulneſs of the African Slave-Trade? By no means. But, before I enter upon the diſcuſſion of this ſubject, it will be proper to premiſe, that the cauſe for which I plead has ſuffered materially from the ambiguity of the

term

term *Slavery*. This vague and undefined term is applied to conditions of Society differing very widely in almoſt every eſſential particular. We ſpeak of our becoming *ſlaves*, if a Miniſter do but ſuſpend the Habeas Corpus Act. The French are called *Slaves*, becauſe they do not enjoy the ſame degree of political liberty with which Providence has bleſſed this Island. The domeſtick ſervitude of Africa (which probably bears a cloſe reſemblance to Patriarchal bondage) is termed *Slavery*, and the ſubjects of it *Slaves*. Some other name, therefore, ought to be invented to expreſs Weſt-Indian bondage; for, by means of the aſſociation of Ideas which is produced by this intercommunity of appellation, eſpecially in the minds of perſons who have had no opportunity of fully inveſtigating the ſubject, the African Slave-trade, together with that ſyſtem which it feeds and perpetuates in the Weſt-Indies, is confounded with ſtates of ſervitude ſo very mitigated as to excite no horror; and is thus relieved from a great part of its ſhade.

The ſyſtem of Slavery which prevails in our Weſt-Indian colonies we believe to ſtand alone in the hiſtory of the world. It is not only (as Mr. Pitt affirmed in 1792) the greateſt practical evil which has ever afflicted the human race; but it is an evil *sui generis*, ſo radically and eſſentially different from every other which happens to have the ſame name attached to it, as ſcarcely to form a fair ground of analogical reaſoning. But let us conſider this point more attentively.

The miſeries entailed on Africa by the Slave-Trade are already ſufficiently known to the Publick; I need not, therefore, dwell at preſent on that part of the ſubject. Let us follow the Slaves in the middle paſſage. There, if we may credit the Man-Merchant, the utmoſt exertions of his humanity and beneficence are employed to promote the eaſe and comfort of his African paſſengers. But even there we

ſhall

ſhall be conſtrained to confeſs that his tender mercies are cruel.

In the year 1791 (three years after the paſſing of the *Slave-carrying Act*, which is admitted by the Man-Merchants themſelves to have very greatly leſſened the mortality on board of ſlave-ſhips), of 15,754 ſlaves carried from the coaſt of Africa, 1,378 died during the middle paſſage, the average length of which was fifty-one days; making a mortality of 8¾ per cent. in that time, or of 62½ per cent. *per annum*: a rate of mortality which would unpeople the Earth in a year and ſeven months.

The amount of the mortality in 1792 was, however, ſtill more enormous. Of 31,554 ſlaves carried from Africa, no fewer than 5,413 died on the paſſage, making ſomewhat more than 17 per cent. in fifty-one days. Had the voyage been prolonged, and the ſlaves continued to die in the ſame proportion, the whole number would have been completely ſwept-away in about ten months*.

I would now aſk, whether it be fair, whether it be allowable, to dignify a practice ſo pregnant with miſery and murder, with the name of *commerce*? Surely this cannot long be endured by a Britiſh Parliament. If it is to be tolerated, let us at leaſt have ſome ſpecious pretext for the indulgence: let there be, at leaſt, one practice pointed-out, either in ancient or modern ſtory, which will bear to be compared for one moment with this abominable traffick: otherwiſe we ought no longer to be impoſed-upon by the hardy aſſumption of its *antiquity* and *univerſality*.

But the horrors of the middle paſſage are at length terminated. The ſlaves are landed in the Weſt-Indies; expoſed like cattle in a Fair; ſpanned and gauged with as little ceremony as is obſerved by a carcaſe-butcher in Smithfield; and, having been purchaſed by ſome planter,

* See accounts laid on the table of the Houſe of Lords, in 1799.

are

are led to his eſtate. What is, then, the ſituation of ſuch of them as ſurvive the ſeaſoning? They are the abſolute property of their purchaſer, vendible by him preciſely in the ſame manner as the horſe which turns his ſugar-mill, and, if direct privation of life and limb be excepted, equally ſubject to his diſcretion as to the quantity of labour to be exacted, the proportion of food to be allowed, and the diſcipline or puniſhment to be inflicted.

During the hours of labour, they are *driven*, like a team of oxen or horſes, by the cart-whip; and *this compulſion of labour, by the phyſical impulſe, or preſent terror of the whip, is univerſal with reſpect to ſuch ſlaves as are engaged in cultivating our iſlands.* As to civil rights, or any political exiſtence, they ſtand on a level with the brute. Immoderate cruelty to a ſlave is puniſhable as a nuiſance, in the ſame way as immoderate cruelty to cattle; but then, it is always difficult, and generally impoſſible, to obtain proof of the fact; for (let it not be forgotten) the evidence of a ſlave, or of a thouſand ſlaves, did they all teſtify the ſame thing, would not be available in the ſmalleſt degree to the conviction of one who is free. This, then, is the ſtate of bondage to which not only the imported Africans themſelves, but their children, and their children's children, for ever and for ever, are inevitably conſigned: and I defy any one to ſhew, not only that a ſingle circumſtance in this picture is exaggerated, but that it is not a matter of as univerſal notoriety in the Weſt Indies, whatever it may be in Europe, as the exiſtence of ſlavery at all. I do not mean, indeed, to affirm, that this ſyſtem is not as humanely adminiſtered by ſome Weſt-Indian planters, as its nature will admit. But ſtill ſuch is the ſyſtem which they have to adminiſter.

Let it be remarked, however, that there is one circumſtance in the lot of Weſt-Indian Slaves which renders it

even worſe than that of brutes; they not only feel the preſent pain, but they can remember the paſt, they can anticipate the future, they can diſcourſe, they can contrive, they can execute, they can diſtinguiſh between right and wrong; they have had the inſolence, at times, to exerciſe this faculty; nay, they have even dared to prefer a claim to the poſſeſſion of humanity, by expreſſing a ſenſe of injury and injuſtice, and by ſhewing that they can reſent it. Hence it is, that, while in this country, we ſee men take pleaſure in raiſing their horſes and dogs to a participation of their own enjoyments, and to a place, as it were, in their friendſhip and ſociety; the ſlave in the Weſt-Indies is degraded and thruſt-down to the very earth, left, looking upwards, ſome untoward accident ſhould diſcover to him that he is a man, poſſeſſed of the ſame common nature with his maſter, and equally entitled with him to feel, and to repel inſult, and injury, and torture.

Now, I do not heſitate to challenge all the advocates of the Slave-Trade to point-out, in *ancient* times, any ſtate or condition of life, which bears the moſt remote reſemblance to the Weſt-Indian ſyſtem; viewed in all its parts, from its commencement in Africa, to its completion in the Weſt-Indies. Nay, ſo far is it from having any claim to *antiquity*, that I take it upon myſelf to aver that this ſyſtem, as now conſtituted, is entirely a modern invention. It took its riſe in the Antilles, about 220 years ago; and from that time it has been gradually augmenting, until by the accumulating waſte of the Britiſh capital and African blood, it has acquired its preſent hideous form and gigantick dimenſions.

Still, however, it may be pertinaciouſly argued that *ſlavery* is *ſlavery*, and that no doubt can be entertained of the exiſtence of ſuch a ſtate of ſociety among the Iſraelites. The bondage, however, which prevailed among the Iſraelites

ites will not be ſaid, by the moſt hardy vindicator of the modern Man-Merchant, to have been worſe than that to which the children of Iſrael themſelves had been ſubjected in Egypt. Of that ſtate they always ſpoke as a ſtate of the moſt intolerable oppreſſion. In compariſon of it, every other ſervitude was light. Their deliverance from it, as typical of another and greater deliverance, was called, by way of eminence, their redemption. So powerful was their impreſſion of the horrors of this ſtate, that the *iron furnace, the furnace of affliction*, and ſimilar expreſſions, ſeem inadequate to expreſs their conceptions of it; and Egypt, the land of their captivity, is emphatically termed the *houſe of bondage*: and it is by the recollection of their ſuffering in that country, that the Almighty enforced upon them the injunction to be kind to the ſtrangers that dwelt among them.

Yet what, after all, was the nature of this Egyptian bondage? Was its dreadful ſeverity ſuch as to diminiſh the number of ſlaves, and to require freſh importations to fill up the void which was cauſed by exceſſive labour, harſh treatment, and ſcanty food? By no means. They multiplied ſo rapidly as to become an object of terror to their oppreſſors from their very increaſe. Had their labours no known meaſure or limit, or, was it forced from them at the caprice of an overſeer or driver, by the compelling power of the cart-whip? No ſuch thing. It was the ſubject of ſpecifick and uniform regulation: taſks were appointed: the tale of bricks was previouſly named. And, as to food, the fleſh-pots of Egypt had become proverbial among them.

Having now, as I conceive, incontrovertibly eſtabliſhed the radical difference between any ſlavery which could have exiſted among the Iſraelites, and that which now exiſts in the Weſt-Indies, I have at leaſt demoliſhed every

thing like argument in favour of the *Scriptural ſanction* of the African Slave-Trade. I would, therefore, entreat thoſe well-meaning men in this country, who, from unacquaintance with the real ſtate of things in the Weſt-Indies, have too readily conceded that the ſyſtem of Weſt-Indian bondage has any countenance in Scripture, to retract that conceſſion; and to be no longer impoſed-upon by the mere ſimilarity of a name, when the things are in their nature ſo eſſentially diſtinct. And let not the Man-Merchants, nor their advocates, any longer inſult the common ſenſe, to ſay nothing of the religion, of their country, by arguments ſo abſurd and impious.

It will ſcarcely be expected that, after this confutation of the argument deduced from Scripture in favour of the Slave-trade, I ſhould think it neceſſary to prove the contrariety of thoſe practices to which this trade gives birth, as well as of the principles on which it is founded, to the whole tenor and ſcope both of the Old and of the New Teſtament. That the ſpirit of the Chriſtian religion ſtands oppoſed to the ſlave-trade is too obvious to require proof; I ſhall, therefore, content myſelf with having rectified the misconceptions which have ariſen on this ſubject from the ambiguous uſe of the term *ſlavery*, and with quoting two or three paſſages of Scripture, which ſeem to have a pretty deciſive bearing on the queſtion.

"Therefore all things whatſoever ye would that men ſhould do to you, do ye even ſo to them; for this is the law and the prophets."

"The law is made for the lawleſs and diſobedient; for men-ſtealers."

"And he that ſtealeth a man, and ſelleth him, or if he be found in his hand, he ſhall ſurely be put to death."

Your's, &c.

AN ABOLITIONIST.

FURTHER REFLECTIONS ON NEGRO-SLAVERY.

THE two preceeding Letters concerning the ſtate of the Negro-ſlaves in the Weſt-Indies (of which I do not know who are the authors,) ſeem to convey a clear and diſtinct account of the very harſh and dreadful puniſhments which are ſometimes inflicted on them by cruel maſters, or by the overſeers entruſted with the management of them by maſters of a different character. But theſe great abuſes of power over them we may reaſonably ſuppoſe to be not very frequent; and it is almoſt certain that, now that (by the late act of Parliament for aboliſhing the Slave-trade,) the Weſt-India planters will be deprived of the means of purchaſing new Slaves from Africa, the treatment of their preſent Slaves will be much milder and more careful than before. For it will now be the intereſt of their maſters not to over-work their Slaves, but to require from them only ſuch a moderate degree of labour as will contribute to keep them in health and vigour for many years to come, and enable them to raiſe families of children to aſſiſt them in their ſervice to their maſters, and ſupply their places when they die. And for this purpoſe, the excellent inſtitution of marriage, or ſome ſimilar and nearly equivalent union between the male and female Slaves, (by allotting one woman to one man, to the excluſion of promiſcuous concubinage,) and with a great diminution of the labour of the female Slaves during their pregnancy, will, no doubt, be eſtabliſhed in moſt of the plantations, together with ſeparate habitations for every married couple, with proper accommodations for rearing their children. And, when theſe changes in the condition of the Negro-Slaves in the Weſt-Indies ſhall be effected, (which ſeem to me to be almoſt neceſſary

conſequences of the Abolition of the Slave-Trade,) they will be ſo much happier than they had been before, that they will almoſt ceaſe to be objects of compaſſion; though it will be ſtill to be wiſhed that they may, in ſome future period, and by gradual emancipations of them, by their Maſters, as rewards of their good behaviour and long and faithful ſervices, be advanced to the ſtill better condition of Britiſh freemen. This, however, cannot be done ſuddenly, without throwing thoſe Colonies into general confuſion; as has been the caſe in the rich and populous French Colony of Saint Domingo, in conſequence of a wild, unjuſt, and, we may venture to ſay, *mad* Decree paſſed by the firſt French National Aſſembly, called *the Conſtituent Aſſembly*, which ordered all the ſlaves in it to be immediately conſidered as freemen. But this was a meaſure which Mr. Wilberforce, and the late Mr. Charles Fox, and Lord Grenville, and the other members of Parliament, who have for ſo many years contended for the abolition of the Slave-trade, and have at length ſucceeded in their noble attempt, always declared to be no part of their plan; nor, as I believe, did any of the friends to the Abolition of the Slave-Trade, out of Parliament as well as in it, throughout the whole Kingdom of Great-Britain, ever wiſh to ſee ſo unjuſt and dangerous a project undertaken. It was a meaſure fit only to be adopted by the wild and wrong-headed enthuſiaſts of the National Aſſembly of France, who, under the mildeſt and moſt beneficent of all their kings, the virtuous Lewis the XVIth. (who had already granted to them in the Royal Seſſion of the 23d of June, 1789, three weeks before the taking of the Baſtille, all the conceſſions and privileges eſſential to the permanent eſtabliſhment of liberty amongſt them, which had ever been wiſhed-for by their moſt zealous and intelligent patriots,) thought fit to overturn the antient, and well-eſtabliſhed Monarchy under which they and their

anceſtors

anceſtors had lived, and under which they had, but a few years before, been uncommonly ſucceſsful in the war they had carried-on againſt England in ſupport of the revolted Engliſh Colonies in North-America. Such a Nation only as France was at that time, under the dominion of a ſort of general frenzy that ſeemed then to have ſeized them, could think of adopting ſo extravagant and ruinous a meaſure. The emancipation of the Negro-Slaves that are now in the Engliſh Weſt-Indian Colonies muſt, therefore, be brought-about by gentle degrees, and with the conſent, or, rather, by the ſingle and ſeparate acts, of their ſeveral maſters. And the beſt method of effecting this further happy change in their condition that I have any where met-with, is that which is described by Lieutenant *John Harriott*, in the 36th chapter of his curious and valuable Hiſtory of his own Life and Adventures, publiſhed in two ſmall volumes in duodecimo, in the year 1807, under the title of *Struggles through Life*, which I have read with great pleaſure, and believe to be a very fair and faithful narrative of the ſeveral adventures and undertakings in which he has been engaged, and in which he has exhibited great proofs of Courage, Induſtry, ſound Judgement, Benevolence, and Publick ſpirit, and has given excellent advice to prevent Engliſh farmers from leaving Old-England to go to North-America, and ſettle there as Land-owners, in the hopes of being ſoon poſſeſſed of ſome hundreds of acres of good land, brought into good cultivation; which hopes, he well obſerves, will, moſt probably, be grievously diſappointed. What he has ſaid upon this ſubject brought to my recollection the following query of Doctor *Berkley*, the famous Biſhop of *Cloyne*, in the former half of the laſt Century. Query, "whether it is not poſſible that a man may be lawful owner, in poſſeſſion, of a tract of land containing twenty thouſand acres, and the land very good and capable of producing

very good crops of corn, or other uſeful vegetables; and his title to the land be quite clear and undiſputed to him and his heirs for ever; and the land clear of all mortgages, or rent-charges, or other burthens, or outgoings, whatſoever; and yet that the ſaid man, though ſo great a land-holder, may be in want of a dinner." The Biſhop had ſpent a few years in North-America; and there, I conjecture, this query came into his head.—But to return to the ſubject of the emancipation of the Negro-Slaves in the Weſt-Indies, the ſuggeſtions of Mr. Harriott for the gradual attainment of this important change in their condition, contained in the ſaid 36th chapter of his uſeful and entertaining work, are ſo judicious, and ſo well-deſcribed, that I ſhall here preſent my readers with the whole of that chapter in the author's own words.

F. M.

From LIEUTENANT JOHN HARRIOTT'S "*Struggles through Life,*" *vol. II. pages* 232 *to* 248.

"CHAPTER XXXVI.

"*Slavery in North America, in Turkey, Barbary, the European States, up the Mediterranean, and in the Eaſt and Weſt Indies; Obſervation on Slavery; Hints for a gradual Emancipation.*

"IN ſome parts of my account of America, my objections to any thing that ſeemed to countenance ſlavery are curſorily mentioned; and yet I afterwards acknowledge to have purchaſed ſome ſlaves. I wiſh to remove any appearance of inconſiſtency on this head, and know not how I can do it better than by giving my opinion on the long-conteſted point for the abolition of ſlavery. It is an opinion I gave, ſome years back, to a much-valued friend, who requeſted

queſted it when the ſubject was ſo generally agitated and claimed the publick attention. It is true, ſince that time, I have myſelf purchaſed ſlaves; yet have I never changed my opinion, but remain more and more confirmed in it.

" Having ſeen Slavery in a variety of ſhapes, in different parts of the world, not to have conſidered it would reflect on my humanity: I have often, very often, and with ſenſations that varied as the time and circumſtances occurred; and I believe the ſureſt, ſhorteſt, and cleareſt, way of delivering my thoughts on the ſubject, will be by ſketching an outline of the kinds of Slavery that have fallen within my notice. In the general acceptation of the term *Slavery* there is not, cannot be, a more ſincere well-wiſher for a proper abolition than myſelf. How that is beſt to be carried into execution, ſo as to produce the greateſt good and occaſion the leaſt evil, deſerves ſerious conſideration.

" In North-America, taking thoſe parts to the northward and eaſtward of Pennſylvania, the Slaves are much happier from being better fed, cloathed, and taken care of, than they would be if left entirely to their own liberty; I am an advocate, however, for reſtoring them to their natural rights. To enfranchiſe the whole immediately would not be the beſt poſſible good for them. What has already been done (in bringing them, or their anceſtors, from Africa, to make them Slaves) cannot be undone; but a continuance of the horrid traffick is unjuſt and wrong in the extreme.

" In Turkey and Barbary there are two (or more) kinds of Slaves: thoſe who are bought, and the Europeans who are made prisoners of war. The firſt we may claſs with the negroes in America and the Weſt-Indies, while the latter are to be pitied the moſt of any deſcription of ſlaves I have ſeen. Dreadful, indeed! is the ſituation of theſe unhappy mortals, compared with whom the ſlaves in our plantations are freemen. And here we may lament that we have

not

not the power to interfere reſpecting a quick abolition of their Slavery.

"It is unnecessary to notice all the ſimilar kinds of Slavery ſeen in different countries; I ſhall ſelect thoſe only that appeared to me to differ from the reſt. In all the European States up the Mediterranean, they have Slaves who have been condemned as ſuch on account of crimes. The juſtice or injuſtice of their ſentences is no part of the preſent inquiry; but, admitting they were fairly tried and convicted, I heſitate not to ſay, I think it much more juſtifiable to deprive them of their liberty than to take-away their lives, let the crime they have committed be what it may. Of courſe I am no advocate for aboliſhing this kind of Slavery; yet it requires numerous regulations to make it anſwer the intended purpoſes of *puniſhment*, *repentance*, *reformation*, and *example*.

"In the Eaſt-Indies Slavery aſſumes a milder aspect, Slaves being chiefly bought and kept for domeſtick uses. The native poor, with large families, in times of ſcarcity, think they cannot do better than to diſpoſe of their children either to the opulent natives or Europeans; and, being ſold when young, they become ſtrongly attached to their maſters or miſtreſſes, from whom they receive every thing, even to ſuperfluities; ſo that to enfranchiſe them, and turn them adrift to get their own livelihood, would be a puniſhment in nine caſes out of ten.

"One matter of fact is worth a dozen ſuppoſitions. I had a boy ſent me from Bengal to Maſulipatam, when about eight years old, as a preſent. My friend, who ſent him, wrote me word it was an act of charity: for the mother had been ſome time importuning him to take the boy for a ſlave; and, on mentioning his intention to ſend the boy ſuch a diſtance, ſhe was perfectly ſatisfied when informed it was to an Engliſh Officer of his acquaintance. The boy continued

with

with me for ſome years. When about to leave India, I offered him his liberty, and to ſend him back to Bengal. On the firſt mention of the circumſtance, he threw himſelf at my feet, as I ſat; and, lifting one of them up with his hands, placed it on his head upon the ground, and deſired me to kill him rather than turn him away. I accordingly kept him until we arrived at St. Helena, where I made ſome ſtay; and it became a ſerious conſideration upon learning that there had lately been great diſturbances in England by the emancipation of ſuch numbers, who, thus freed from ſervitude and reſtraint, were ſwarming about the ſtreets of London, diſtreſſed to the greateſt degree. This determined me; I gave him his choice, to go back to Bengal *free*, or to be placed with ſome worthy family at St. Helena. Finding me reſolved not to take him to England, and noticing how happily they lived in the iſland, he preferred being turned-over to a maſter and miſtreſs who would take care of him, to having his liberty and returning to his native country; and I am ſatisfied he made the wiſer choice.

"The Malay ſlaves, that I obſerved on the coaſt of Sumatra, both in the Dutch and Engliſh ſettlements, differ ſo little from thoſe in the other ſettlements in the Eaſt Indies, that it is unneceſſary to ſay more concerning them, than that their Slavery frequently originates in an extravagant ſpirit of gaming, which induces the father, when he has nothing elſe to ſtake, to gamble-away the liberty of his children: and hence, I infer, ariſes that extraordinary kind of madneſs, ſo peculiar to the Malays, termed *running a muck*. I believe, the nervous ſyſtem of a loſing gameſter is more violently agitated and convulſed by the ſenſe of his loſſes, than by any other voluntary ſelf-inflicted operation whatever; and, where the paroxyſm of the diſorder has riſen to ſuch a height as to induce the miſerable man to hazard his children becoming ſlaves to another, there is ſcarcely any other

other raſhneſs he can be guilty-of that need excite ſurpriſe; yet the manner in which he ſeeks deſtruction, which I have related in a former part,* is unaccountable.

" I have reſerved to the laſt my obſervations on the treatment of ſlaves in our Weſt-India plantations, as *they* only are the real ſubjects of the Abolition-act; and I conceive the foregoing will not be deemed either foreign to the ſubject, or ſuperfluous, ſince it may help in ſome degree to account for the apparent difference in the evidence given by different gentlemen before the houſes of parliament, as well as the contradictory accounts in the publick papers. The inhuman and horrid practice of *obtaining* and *conveying* men, women, and children, from their native land, merely becauſe they are black, and therefore reckoned fitter for work in hot climates than Europeans; the original purchaſe, conducted by fraud, force, and artifice; the tranſportation and ſale of them, in a foreign country, for ſlaves; altogether present the picture of ſo diabolical a traffick, that I cannot ſufficiently expreſs my ſurprize at finding there are yet advocates for its continuance, after the inhumanity of the practice has been ſo ably and juſtly expoſed: for it is a mockery of juſtice, as well as an inſult to common underſtanding, to ſay, that, from motives of humanity, they are removed by compulſion from a worſe to a better ſituation.

" Let us ſuppoſe there were inhabitants of ſome diſtant country, as ſuperior to us in ſtrength of arms and underſtanding as we eſteem ourſelves to the poor Africans; and, truſting in that ſtrength, let us farther ſuppoſe they were to come hither, and, among others, to make free with theſe advocates for ſlavery. I imagine theſe gentry would not be better reconciled to their fate, from being told, by their maſters, it was doing them a kindneſs to carry them from

* Vol. I. chap. xlv. p. 205.

home

home to live in ſlavery under people ſo much *their* ſuperiors; adding, withal, it was likewiſe *neceſſary*, or they (their lords and maſters) could not otherwiſe enjoy quite ſo many ſuperfluities; and, I fear, that nothing ſhort of ſo forcible an argument could, or would, convince them. For, as Miſs Hannah Maria Williams obſerves in one of her letters from France, (only I ſubſtitute the abolition of ſlavery for the demolition of the Baſtille,) "Thoſe, who have contemplated on ſlavery without rejoicing at the proſpect of an Abolition, may, for aught I know, be very reſpectable perſons, and very agreeable companions in the hour of proſperity; but, if my heart were ſinking in anguiſh, I ſhould not fly to them for conſolation." I believe it is Sterne who ſays, that a man is incapable of loving one woman as he ought, who has not a ſort of an affection for the whole ſex. I am of the ſame opinion; and as little ſhould I look for *particular* ſympathy from thoſe who have no feelings of general philanthropy.

"To return; the poor Africans, thus cruelly carried-over to the Weſt-Indies, are expoſed at a publick market, frequently at a vendue, (or ſale by auction,) and ſold, like beaſts of burden, to the higheſt bidder. A ſmall proportion are ſelected for domeſtick uſes; and I am willing to allow ſome of theſe to be ranked with the ſlaves in the northern parts of the continent of America, for comfort and even for pleaſures, except in caſe of miſconduct, when they are ſubject to be turned-out as field-negroes, which is often the caſe; under which term, we may comprehend the large bulk of negro-ſlaves. Theſe may truely be called *miſerable* Slaves; for, although it may be allowed that in ſome of the plantations they are treated with humanity, yet thoſe who are treated the very beſt, among the working field-negroes, it is a cruel lot to ſuppoſe any fellow-creature to be born-to, or to be ſubjected-to by the iron hand of power, without having committed an offence. What, then, muſt be the de-

deplorable fate of thoſe unhappy wretches who are the property of maſters, (I am ſorry to ſay miſtreſſes, too), whoſe hearts are callous to every feeling of humanity towards them? Impreſſed from their cradles with the idea that their ſlaves are little, or nothing, ſuperior to the brute creation; they treat them accordingly.

"In my youthful days I remember to have ſeen at Savannah-la-Mar, in Jamaica, a Creole lady (as ſhe was called) ſtand by while one of her negro-wenches was ſo ſeverely flogged, in the publick place, by one of her negro men-ſlaves, that, if a drayman were ſo to flog his horſe in the ſtreets of London, I am perſuaded the populace would wreſt the whip from his hands, and retaliate upon him the injuries of the animal. Yet, ſo accuſtomed to theſe ſights and ſcreamings of the poor wretches were the people at Savannah, that they paſt along unconcerned, until attracted by the greater novelty of a youth, like myſelf, interfering, by aſking the miſtreſs if ſhe was not aſhamed of herſelf. The good lady then poured-forth ſuch a torrent of abuſe, plentifully decorated with oaths, as to provoke a retort ſimilar; until, foaming at the mouth like a mad creature, ſhe retreated into her houſe, curſing me for a "*dom torry orse*, impudent ſailor-fellow."

"What Mr. Jefferſon remarks, of the conduct of the maſter to the ſlave in Virginia, is equally, if not more, applicable to the Weſt-India iſlands. The whole commerce between maſter and ſlave is a perpetual exerciſe of the moſt boiſterous paſſions, the moſt unremitting haughtineſs, on the one part, and degrading ſubmiſſion on the other. The children ſee this, and learn to imitate it, man being an imitative animal. This diſpoſition to imitate is the germ of all education in him; from his cradle to his grave he is learning to do what he ſees others do. If a parent could find no motive, either in his philanthropy or his ſelf-love, for reſtraining the intemperance

temperance of his paſſions towards his ſlave, the preſence of his child ſhould always be a ſufficient one. The parent ſtorms; the child looks-on, catches the lineaments of wrath, puts-on the ſame airs in the circle of ſmaller ſlaves, gives a loose to his worſt paſſions; and, thus nursed, educated, and daily exerciſed, in tyranny, cannot but be ſtamped by it with odious peculiarities.

"God bleſs the Duke of C——! I truſt he speaks honeſtly, as far as he knows. But his royal highneſs, as well as ſome other reſpectable characters, muſt excuſe me for obſerving, that their knowledge reſpecting the *treatment*, *usage*, and *mode of living*, of the hard-working field-negroes on the plantations, muſt neceſſarily be much confined. The moſt that theſe men of high rank have an opportunity of obſerving is among the houſehold, or domeſtick, negroes, where our opinions may partly coalesce. But, admitting that, out of curioſity, they may have viſited many, and ſome of the worſt, of the (maltreated) negro-plantations, is it not evident to common ſenſe, that the owners, or managers, of ſuch plantations would take the greateſt care that every thing ſhould appear in its beſt during ſuch viſits? Of courſe, they ſee no negro-driver flouriſhing and cracking his whip over the negroes at work, to try his dexterity in cutting a musquito off any of their backs, merely to amuſe himſelf. Nay, if theſe viſitors condescended to inquire of the poor devils themſelves, the wretched beings too well know they dare not pour their ſorrows into the ear of any but ſuch as, like myſelf, (being, at the time I allude to, in too humble a ſtation to attract the notice of their maſters,) could obſerve their cuſtomary daily treatment, with their hard, ſcanty, ſubſiſtence. And, while employed, in the long-boat of the ſhip I belonged-to, to fetch-off ſugars, rums, &c. from various diſtant plantations, I have frequently entered their huts with familiarity, at night, to give them a ſpare piece of salt-beef or pork, I believe

I believe it was a ſituation as likely as any to obtain information on the ſubject, free from partiality or prejudice, admitting the obſerver to have any human affections remaining; and, where a perſon has had frequent opportunities of obſervation, it requires no very great abilities to form a tolerable judgement on the ſubject.

"I do not heſitate, therefore, in ſaying that the traffick of tranſporting freſh ſlaves from Africa ought, in common juſtice, to ceaſe immediately; as it cannot be juſtified on any principle of humanity, expediency, or neceſſity. So far, then, I again expreſs my ſurprize that there ſhould be two opinions on the ſubject, among men who are not intereſted in it. The ſons of Mammon are out of the queſtion: for they, whether in the ſemblance of merchants, ſhip-owners, or planters, will endeavour to juſtify it under ſanction of *their* religion, ſelf-intereſt!

"The great and almoſt only difficulty, I conceive, is in forming and adopting ſuch a plan, for their gradual emancipation, as will beſt anſwer the humane intention of releaſing ſo many thouſands of our fellow-creatures from bondage. To do this haſtily, to ſay to them, "Ye are all *free* from this inſtant," would be nearly as cruel as the firſt enſlaving them. If there were only a few hundreds, or thouſands, thinly ſcattered over the iſlands, it mattered not how ſoon it was done; but the liberation of ſuch a multitude, whoſe numbers far exceed the Europeans, from whom they muſt (whether freemen or ſlaves) expect a maintenance for a conſiderable time to come, would not only be productive of the worſt conſequences to thoſe Europeans, but equally ſo to themſelves: the exceſſes, ſo ſudden an intoxication would plunge them into, would be dreadful.

"Probably, much better plans than I have to offer, for accompliſhing this deſirable end, may have been ſuggeſted; and I hope they will be adopted. But the following was

what

what I propoſed to carry into execution, if I had ſettled on any of the ſouthern ſtates of America, where ſlaves alone at preſent perform the work; and from this I had promiſed myſelf no ſmall gratification, in the good I might have done as an individual, and a hope that the example might induce others to do the ſame, when they found it their intereſt, whatever their principles might be.

Under their preſent owners, they have not the most diſtant proſpect of gaining their liberty: to purchaſe ſuch ſlaves, with a view to afford them an opportunity of working-out their own redemption, I believe is juſtifiable. Suppoſing, then, I had purchased a number of ſlaves, worth on an average fifty pounds each; on becoming their maſter, to encourage them in diligence and good behaviour, I would have allowed them one day in each week to work for themſelves, allotting a piece of ground to each to work upon; aſſuring them, that whoever, by their induſtry and frugality, ſaved a fifth part of their prime coſt, (ſay ten pounds,) ſhould then be entitled to purchaſe, with that money, another day to work upon their own account, and ſo on until they cleared the whole of their time. Poſſibly, it will appear to ſome people that a long time would be required for a ſlave in this manner to emancipate himſelf compleatly: but it is far from being so. A free negro can eaſily earn half-a-crown a day, moſt of them twice as much; a ſlave is found in the neceſſaries of life and cloathing by his maſter. We will ſuppoſe, then, that he earns no more than half-a-crown on the day firſt given to him, calling it Saturday, and that he expends one ſhilling on himſelf; he then lays-by eighteen pence a week. Trifling as this may appear, at firſt view, to the accompliſhment of ſo great an end, it will enable him to make his firſt purchase, of another day of freedom in the week, in little more than two years and a half. Should he then apply the whole additional earnings to the former eighteen

pence, one other year will purchaſe him another day of liberty; and the heavieſt half of his taſk is then accompliſhed.

He is now half free, beginning to feel a proportionate conſequence, and may probably increaſe his own enjoyments a little more. Admitting this, in two years, or two years and a half, more, he may compleat the full purchaſe of his freedom; but if, inſtead of ſix years, it ſhould even take them ſeven, eight, or nine, years, it would be far better for them than if they had their full liberty and freedom at once; and, being the work of their own hands, by favour of their maſter, it inculcates two good principles: induſtry, with a true knowledge of its value, from which it is likely to become habitual; and gratitude to their maſter, whoſe work they will then be happy to do as free ſervants. Nor have I much doubt but that the pleaſing hope of ſuch liberation, while they are gaining it by degrees, will afford them nearly, if not quite, as much comfort as the final attainment of it. At any rate, the gradual acquirement of it will be the beſt means to prevent their being madly intoxicated at the completion. They will know the value better, and will have gained ſuch habits of induſtry and frugality as to inſure their future welfare. The owner receives the full value, with an ample intereſt, from the work done for him, and will alſo enjoy the high mental gratification of liberating a fellow-creature from ſlavery.

In the account of my farm in the ſtate of New-York, I have mentioned the mode I adopted there for liberating thoſe I purchaſed, which was as ſimilar to the foregoing as the difference of climate and country would permit; and the gentlemen, with whom I left them upon the farm, engaged to fulfil and purſue the ſame plan.

I allow that the bulk of the ſlaves employed in the Weſt-India plantations have the appearance of being but a few degrees above the brute creation; but it is their ſituation

which

which makes them ſo. Teach them better by good usage, and ſtimulate them to induſtry by ſweetening their bitter cup with a cheering proſpect of obtaining their liberty; and they will ſoon exhibit ſufficient proof of their capacity to deſerve and enjoy it. At our family-devotions on Sundays, my negroes, whom I called-in to attend likewiſe, could ſcarcely conceive what was propoſed; yet in a ſhort time, from receiving the beſt inſtructions in my power, and perceiving, in my addreſs to the one Almighty God, that they were conſidered as equal in his eye, according to their deſerts, they attended, with earneſtneſs and gratitude, to be better informed of their dependence on his Providence for the comforts of this life, with the hope of a better hereafter. Theſe were circumſtances, concerning which their former owners had never given them the ſmalleſt inſtruction.

I muſt acknowledge there was one thing reſpecting the negroes in ſome parts of America, which aſtoniſhed me much; nor was I ever able to account for it to my own ſatisfaction: but truth requires it to be mentioned. On the ſubject of ſlavery, every feeling heart will naturally ſympathize for the parent whoſe mind, we ſuppoſe, muſt be tortured with agony when he conſiders his children born to perpetual ſlavery; yet how ſhall we account for the very common practiſe, among the free negroes in America, of preferring to marry *ſlave*-wenches, by which they make all their children ſlaves? The fact is ſo; and the only reaſon I could learn, or can aſſign, for it, is "that they value not their liberty at the price of their maintenance." But poſſibly this may ariſe from the long degradation of their minds, which a more liberal treatment and enlightening education might correct and bring-back to a natural ſenſe of parental duties.

END OF MR. HARRIOTT'S CHAPTER ON NEGRO-SLAVERY.

THE PRE-EMINENCE AND DUTY OF PARLEMENT.

Written in the year 1646, by James Howell, Esq.

The following diſcourſe on the Engliſh Parliament is the firſt ſection of a political tract written about the year 1646, by *James Howell, Esquire,* an eminent writer of that time, who was attached to the party of King Charles the Firſt, in the time of that Great Civil War, and was imprisoned in the Fleet-priſon during ſeveral years by order of the Parliament, on account of ſuch attachment to the Royal cause: but after the reſtoration of King Charles the Second, he was made Hiſtoriographer royal to that King; and in the year '61, he publiſhed at London a ſmall volume in *duodecimo*, containing twelve ſmall tracts, relating to the cauſes of the late civil wars and revolutions in England, Scotland, and Ireland, which he had written many years before at different times, in the courſe of the ſaid Civil War. In this volume, page 343, &c. I met with this deſcription of the nature and powers of the Engliſh Parliament, which, I thought, exhibited ſo juſt and lively a picture of the advantages belonging to the Limited Monarchy of England, under a king and two houſes of Parliament, that I reſolved to preſent it to my readers in this miſcellaneous collection of ſmall tracts relating chiefly to political ſubjects.

F. M.

I AM a free-born *ſubject* of the realm of England; whereby I claim, as my native inheritance, an undoubted right, propriety, and portion in the Laws of the Land: and this diſtinguiſheth me from a *ſlave.* I claim likewiſe this

protection from my ſoverain Prince; who, as he is my liege Lord, is obliged to *protect me*; and I, being one of his liege people, am obliged to *obey him*, by way of reciprocation. I claim alſo an intereſt and common right in the High National Court of Parlement, and in the power, the priviledges, and juriſdiction thereof, which I put in equal ballance with the *Laws*, in regard it is the *fountain whence they ſpring*; and this I hold alſo to be a principal part of my Birth right: which Great Council I honour, reſpect, value and love in as high a degree as can be, as being the *bulwark of our liberties, the main boundary and bank which keeps us from ſlavery, from the inundation of tyrannical rule, and unbounded will-government.* And I hold myſelf obliged in a tye of indiſpenſable obedience, to conform and ſubmit myſelf to whatſoever ſhall be tranſacted, concluded, and conſtituted by its authority, in Church or State, with the Royal aſſent, whether it be by making, enlarging, altering, diminiſhing, diſannulling, repealing, or reviving, of any law, ſtatute, act, or ordinance whatſoever, either touching matters eccleſiaſtical, civil, common, capital, criminal, martial, maritime, municipal, or any other; of all which the tranſcendent and uncontrollable juriſdiction of that Court is capable to take cognizance.

Amongſt the three things which the Athenian Captain thanked the gods for, one was, that he was born a Grecian, and not a *Barbarian*; (for ſuch was the vanity of the Greeks, and, after them, of the Romans in the flouriſh of their monarchy, as to arrogate all *civility* to themſelves, and to terme all the world beſides *Barbarians*:) ſo I may ſay that I rejoyce, that I was born a vaſſall to the Crown of *England*; that I was born under ſo well moulded and tempered a Government, which endows the ſubject with ſuch Liberties and infranchiſements that bear-up his naturall courage, and keep him ſtill in heart ſuch Liberties that fence and ſecure him eternally from

the gripes and tallons of *Tyranny*: And all this may be inputed to the Authority and wiſedome of this High Court of *Parlement*; wherein there is ſuch a rare co-ordination of power (though the *Soveraignty* remain ſtill entire, and untransferrable, in the perſon of the *Prince*) there is ſuch a wholſom mixture 'twixt *Monarchy*, *Optimacy*, and *Democracy*, 'twixt Prince, Peers, and Commonalty, during the time of conſultation, that of ſo many diſtinct parts, by a rare co-operation and unanimity, they make but one *Body politick*, (like that ſheafe of arrows in the Emblem) one entire concentricall peece, the King being ſtill the Head, and the reſults of their deliberations but as ſo many harmonious diapaſons ariſing from different ſtrings. And what greater immunity and happineſſe can there be to a People, than to be liable to no Laws but what they make themſelves: to be ſubject to no contribution, aſſeſſement, or any pecuniary erogations whatſoever, but what they Vote, and voluntarily yeeld unto, themſelves: for in this compacted *politick Body*, there be all degrees of people repreſented; both the Mechanick, Tradeſman, Merchant, and Yeoman have their inclusive Vote, as well as the Gentry, in the perſons of their Truſtees, their Knights and Burgeſſes, in paſſing of all things.

Nor is this Soveraign *Surintendent Council* an Epitome of this Kingdom only, but it may be ſaid to have a repreſentation of the whole Univerſe; as I heard a fluent, well-worded, *Knight* deliver the laſt *parliament*, who compared the beautifull compoſure of that High Court to the great work of God, the World itſelf; the King is as the Sun, the Nobles the fixed Stars, the Itinerant Judges and other Officers (that go upon Meſſages 'twixt both houſes) to the *Planets*; the Clergy, to the *Element of Fire*; the Commons, to the ſolid *Body* of Earth, and the reſt of the Elements. And, to purſue this compariſon a little farther; as the heavenly

venly Bodies, when three of them meet in *Conjunction*, do uſe to produce ſome admirable effects in the Elementary World; So when theſe *three States* convene and aſſemble in one ſolemne great *Iunta*, ſome notable and extraordinary things are brought-forth, tending to the welfare of the whole kingdom, our *Microcoſme*.

He that is never ſo little verſed in the annals of this Isle, will find that it hath bin her fate to be four times *conquered*. I exclude the *Scot*: for the ſituation of his Country, and the Quality of the Clime, hath been ſuch an advantage and ſecurity to him, that neither the *Roman Eagles* would fly thither for fear of freezing their wings, nor any other Nation attempt the work.

Theſe, ſo many, Conqueſts muſt needs bring with them many tumblings and toſſings, many diſturbances and changes in Government; yet I have obſerved, that, notwithſtanding theſe tumblings, it retained ſtill the forme of a *Monarchy*, and ſomething there was always that had an Analogy with the great Aſſembly of *parlement*.

The firſt Conqueſt I find was made by *Claudius Cæſar*: at which time (as ſome well obſerve) the *Roman Enſignes* and the *Standard of Chriſt* came-in together: It is well known what Lawes the *Roman* had; He had his *Comitia*, which bore a reſemblance with our Convention in *parlement*; their place of their meeting was called *prætorium*, and the Laws which they enacted, *Plebiſcita*.

The *Saxon* Conqueſt ſucceeded next, which were the *Engliſh*, there being no name in *Welſh* or *Iriſh* for an Engliſhman, but *Saxon*, to this day. Theſe alſo governed by Parlement, though it were under other names, as *Michel-Sinoth*, *Michel Gemote*, and *Witena Gemote*.*

* These words mean *the Great Synod, the Great Meeting, and the Meeting of wise men*.

There

There are Records, above a thouſand years old, of theſe *Parlements* in the Reigns of King *Ina*, *Offa*, *Ethelbert*, and the reſt of the ſeven Kings during the *Heptarchy*. The *Britiſh* Kings alſo, who retain'd a great while ſome part of the Iſle unconquered, governed and made Laws by a kind of Parlementary way; witneſſe the famous Laws of Prince *Howell*, called *Howell Dha*, (the good Prince *Howell*) whereof there are yet extant ſome Britiſh Records. *Parlements* were alſo uſed after the *Heptarchy* by King *Kenulphus*, *Alphred*, and others: witneſſe that renowned Parlement held at *Grately* by King *Athelſtan*.

The third Conqueſt was by the *Danes*: and they govern'd alſo by ſuch generall Aſſemblies, (as they do to this day) witneſſe that great and ſo much celebrated Parlement held by that mighty Monarch *Canutus*, who was King of *England*, *Denmark*, *Norway*, and other Regions 150 years before the compiling of *Magna Charta*; and this the learned in the Laws do hold to be one of the ſpecialeſt and moſt authentick peeces of antiquity we have extant. *Edward* the Confeſſor made all his Laws thus, (and he was a great *Legiſ-lator*,) which the *Norman* Conquerour (who, liking none of his ſons, made *God Almighty* his *heir* by bequeathing unto him this Iſland for a *legacy*) did ratifie and eſtabliſh, and digeſted them into one entire methodicall Syſteme, which being violated by *Rufus*, (who came to ſuch a diſaſtrous end as to be ſhot to death in lieu of a *Buck* for his ſacriledges) were reſtor'd by *Henry* the firſt; and ſo they continued in force till King *Iohn*; whoſe Reign is renowned for firſt confirming *Magna charta*, the foundation of our Liberties ever Since; which may be compar'd to divers *outlandiſh graffes set upon one Engliſh ſtock*; *or to a poſie of ſundry fragrant flowers*; for the choiceſt of the *Britiſh*, the *Roman*, *Saxon*, *Daniſh*, and *Norman* Lawes being cull'd and pick'd-out and gathered, as it were, into one bundle,

bundle, out of them the foreſaid *Grand Charter* was extracted; and the eſtabliſhment of this great Charter was the work of a Parliament.

Nor are the Lawes of *this Iſland* only, and the freedome of the Subject in it, conſerved by a *Parlement*; but all the beſt-policed Countries of *Europe* have the like. The Germanes have their *Diets*, the Danes and Swedes their *Rijck Dachs*; the Spaniard calls his Parlement *las Cortes*; and the French have, (or ſhould have, at leaſt) their *Aſſembly of three States*, though it be growne now in a manner obſolete, becauſe the authority thereof was (by accident) devolv'd to the *King*. And very remarkable it is, how this happened; for, when the *Engliſh* had taken ſueh large footing in moſt parts of *France*, having advanced as far as *Orleans* and driven their then King *Charles* the ſeventh, to *Bourges* in *Berry*, the *Aſſembly of the three States* in theſe preſſures, being not able to meet after the uſual manner in full *Parlement* becauſe the Countrey was unpaſſable, the Enemy having made ſuch firme invaſions up and down through the very bowels of the Kingdom; that power which formerly was inhærent in the *Parlementary Aſſembly*, of making Laws, of aſſeſſing the Subject with taxes, ſubſidiary levies, and other impoſitions, was tranſmitted to the *King* during the war; which continuing many years, that entruſted power by length of time grew, as it were, habitual in him, and could never after be re-aſſumed and taken from him; ſo that ever ſince, his *Edicts* countervaile *Acts* of *Parlement*. And that which made the buſineſſe more feaſable for the *King*, was, that the burthen fell moſt upon the *Commonalty*; the Clergy and Nobility not feeling the weight of it, and being willing to ſee the *peaſan* pull'd-down a little, becauſe, not many years before, in that notable Rebellion, call'd *la Jaquerie de Beauvoiſin*, which was ſuppreſſed by *Charles the wiſe*, the Common people put themſelves

The origin of the king of France's power of imposing taxes on his subjects in Paris and the Isle of France, without the consent of the three States of the Clergy, the Nobility, or Gentry, and the Third Estate, or Commonalty.

themselves boldly in Arms againſt the Nobility and Gentry, to leſſen their power. Adde hereunto, as an advantage to the work, that the next ſucceeding King, *Lewis the eleventh*, was a cloſe, cunning, Prince, and could well tell how to play his game, and draw water to his own mill; For, amongſt all the reſt, he was ſaid to be the firſt that put the Kings of France, *Hors de page*, out of their minority, or from being *Pages* any more, though thereby he brought the poor *peaſans* to be worſe than *Lacquays*, and they may thank *themſelves* for it.

Nevertheleſſe, as that *King* hath an advantage hereby one way, to *Monarchize* more abſolutely, and never to want money, but to *ballaſt his purſe* when he will; ſo there is another mighty inconvenience ariſeth to him and his whole Kingdom another way; for this peeling of the *Peaſan* hath ſo dejected him, and cowed his native courage ſo much by the ſenſe of poverty *(which brings along with it a narrowneſſe of ſoul)* that he is little uſeful for the war: which puts the *French* King to make other Nations mercenary to him, to fill-up his *Infantery*: Inſomuch, that the Kingdom of *France* may be not unfitly compared to a body that hath all it's bloud drawn-up into the arms, breaſt, and back, and ſcarce any left from the girdle downwards, to cheriſh and bear-up the lower parts, and keep them from ſtarving.

All this ſeriouſly conſidered, there cannot be a more proper and pregnant example than this of our *next Neighbours* to prove how infinitely neceſſary the *Parlement* is to aſſert, to prop-up, and preſerve, the publick liberty, and national rights of a people, with the incolumity and welfare of a Countrey.

Nor doth the *Subject* only reap benefit thus by *Parlement*, but the *Prince*, (if it be well conſider'd) hath equal advantage thereby. It rendreth him a King of *free* and *able* men;

men; which is far more glorious than to be a King of *Cowards, Beggars,* and *Bankrupts*; Men that, by their freedom and competency of wealth, are kept ſtill in heart to do him ſervice againſt any forrain force. And it is a true maxime in all States, that 'tis leſſe danger and diſhonour for the Prince to be poor, than his people: Rich Subjects can make their King rich when they pleaſe; if he gain their hearts, he will quickly get their purſes. *Parlement* encreaſeth love and good intelligence 'twixt him and his people: it acquaints him with the reality of things, and with the true ſtate and diſeaſes of his Kingdom; it brings him to the knowledge of his better ſort of Subjects, and of their abilities, which he may employ accordingly upon all occaſions; It provides for his Royal iſſue, pays his debts, finds meane to fill his Coffers; and it is no ill obſervation, that parlement-moneys (the great Aid) have proſpered beſt with the Kings of *England*: It exceedingly raiſeth his repute abroad, and enableth him to keep his *foes in fear, his Subjects in awe, his Neighbours and Confederates in ſecurity*, the three main things which go to aggrandize a Prince, and render him glorious. In ſumme, it is the *Parlement* that ſupports, and bears-up the honour of his Crown, and ſettles his throne in ſafety; which is the chief end of all their conſultations: for whoſoever is entruſted to be a Member of this High Court, carryeth with him a double capacity; he ſits there as a *Patriot*, and as a *Subject*: as he is one, the *Country* is his object, his duty being to vindicate the publick liberty, to make wholeſome Lawes; to put his hand to the pump, and ſtop the leaks of the great veſſel of the State; to pry into, and puniſh, corruption and oppreſſion; to improve and advance trade; to have the grievances of the *place* he ſerves for redreſſed, and to caſt about how to find ſomething that may tend to the advantage of it.

But he muſt not forget that he ſits there alſo as a *Subject*;

and

and according to that capacity, he muſt apply himſelf to do his *Soveraign's* buſineſſe, to provide, not only for his *publick*, but his *perſonal*, wants; to bear-up the luſtre and glory of his *Court*; to conſider what occaſions of extraordinary expences he may have, by encreaſe of Royal iſſue, or maintenance of any of them abroad; to enable him to vindicate any affront, or indignity, that might be offered to his perſon, Crown, or dignity, by any *forrain* State or Kingdom, or *inteſtine* Rebellion; to conſult what may enlarge his *honour*, *contentment*, and *pleasure*. And as the French *Tacitus (Comines)* hath it, the Engliſh Nation was uſed to be more forward and zealous in this particular than any other; according to that ancient, eloquent, ſpeech of a great *Lawyer*, *Domum Regis vigilia defendit omnium, otium illius labor omnium, deliciæ illius induſtria omnium, vacatio illius occupatio omnium, ſalus illius periculum omnium, honor illius objectum omnium.* Every one ſhould ſtand Centinell to defend the King's houſe, his *safety* ſhould be the *danger* of all, his *pleasures* the *induſtry* of all, his *eaſe* ſhould be the *labour* of all, his *honour* the *object* of all.

Out of theſe premiſſes this concluſion may be eaſily deduced, that, *the principall fountain whence the King derives his happiness and safety, is his parlement*; it is that great Conduit-pipe which conveighes unto him his people's bounty and gratitude; the trueſt Looking-glaſſe wherein he diſcernes their loves; (now *the Subjects love hath been always accounted the prime Cittadell of a Prince.)* In his *Parlement* he appears as the Sun in the Meridian, in the altitude of his glory, *in his higheſt State Royal*, as the Law tells us. Therefore whoſoever is averſe or diſaffected to his Soveraign Law-making Court, cannot have his heart well-planted within him; he can be neither a good *Subject*, nor a good *patriot*, and therefore is unworthy to breath Engliſh air, or have any benefit, advantage, or protection from the Laws.

END OF MR. HOWELL'S DISCOURSE ON PARLIAMENTS

A MEMORIAL

PRESENTED TO

QUEEN ELIZABETH,

AGAINST HER MAJESTY'S BEING ENGROSS'D BY ANY PARTICULAR FAVOURITE.

Written by WILLIAM CECIL, Lord Burleigh, then Lord High Treasurer of England.

May it pleaſe your Majeſty,

FULL of Aſſurance, that my unfeigned Zeal for your Majeſty's *Intereſt* and *Service*, will be evident in what I humbly preſume to *Remonſtrate* to Your Majeſty; I ſhall venture to speak my mind with *a Freedom worthy the noble End and Aim of my Design.* When any Man, that is as ambitious as myſelf of *engaging* your Majesty's *good Opinion* of my Actions, and your *Favour* on my Endeavours, ſhall attempt to plead againſt any *Particular's engroſſing your Royal Ear*, he cannot well be ſuſpected of directing his Diſcourſe and Sollicitations on that Head to any private Intereſt and Advantage: Since, by advancing the *contrary Poſition*, he might hope perhaps, in time, and in his turn, by the force of *Induſtry* and *Application*, to enjoy the Benefit of it.

Secure

Secure, therefore, in my Zeal for the Welfare of my Prince and my Country, I ſhall venture to appeal to your Majeſty's Knowledge of Hiſtory, whether it afford any one Inſtance of that Nature, which has not been, or was *very likely* to be, of *fatal Conſequence* to the *Prince* or *the people*, or *both*. I will not inſiſt on *Sejanus*, or any other of the *Roman Minions*, to whoſe *Ambition* or *Avarice*, when the *Nobility* had fallen in Numbers, and the people felt the Rage of their *exorbitant Paſſions*, unſatisfy'd with what they poſſeſs'd, they have aim'd at the *Life* and *Throne* of the Prince that raiſed them. The Reaſon of which is plain; becauſe, having only *themſelves and their own private Advantage* in view, they make uſe of the *Prince* only as the means of *their own Grandeur*, without any regard to his *real* Service, or the *Publick Good*, againſt which it is impoſſible to do the *Prince*.

A King, *by his Royal Office*, is the *Father* of his Country; whoſe Eye ought to watch over the Good of *all* and *every one* of his Subjects, in the *juſt execution of the Laws*, and the *impartial diſpenſation of* Prerogative; in *Redreſſing of Grievances*, *Rewarding Vertue*, *Puniſhing Vice*, *Encouraging Induſtry*, and the like. But *Princes*, though the *Vicegerents of Heaven*, being not endued with *Omniſcience*, can only know theſe *Grievances*, *Virtues*, *Vices*, *Induſtry*, &c. of the *People*, and their ſeveral Exigencies, by the Eyes and Information of others; nor can this be done by truſting to any *one particular* Favourite, who having no *more*, nor *larger*, Qualifications than his *Prince*, can have no other means of informing him aright, than what his Prince has without him. Nay, it may very well be ſaid, that he has not any means ſo *ſure* and *infallible*; for the Prince, if he conſult his *Great Councils*, and only adhere to their *Publick Deciſions*, cannot miſs of knowing all that is neceſſary to be known for his *own Glory*, and his *people's Good*;

Good; which are *inſeparable*: but the *Favourite*, having *private* Deſigns to carry-on, receives his Information from thoſe, who muſt repreſent things to him as he would have them, by that means to make their Court, and ſecure that Succeſs to their Wiſhes, for which they daily pay the Adoration of ſo much flattery. But, if, by the wonderful Perſpicuity and Application of the *Favourite*, he ſhould attain a *true knowledge* of the ſtate of things; of the Inclinations, and Deſires of the people; it is Forty to One, that, theſe claſhing with his *private Aims*, he gives them another Face to the *Prince*, a turn *more agreeable to his ſeparate Intereſt*, though equally deſtructive of his *Maſter's* and *Country's Good*.

The only way, therefore, for a *Prince* to govern with ſatisfaction to his own Conſcience is to be the *Common Father of* all *his Country*, *to hear the advice of* all *his councellors*, *and to have an open Ear to* all *the Grievances and neceſſities of* all *his People*. Which can never be done while any *One* Man has the luck to poſſeſs the *Royal Favour* ſo far as to make his Advice an over-balance to the *whole Nation*. They gain by that means a Power, which they *extreamly ſeldom*, if ever, uſe for the *People's* or *Prince's Advantage*, but moſt commonly, if not always, to the deſtruction of both. There are Examples enough of this to alarm any *Wiſe* and *Politick Prince*. The *Mayors* of the Palace in *France*, at laſt poſſeſſed the *Throne*. And *Domeſtick Inſtances* might be given of thoſe, who, by their *exceſſive Power*, have, if not themſelves poſſeſs'd, yet *deprived and ſet whom they pleas'd on the Throne*.

But, omitting what your Majeſty knows extreamly well, I ſhall only give you a view of a *great Favourite* in the Reign of your *Royal Father*; a true Proſpect of whoſe Practices and Ambition, may warn your Majeſty againſt *all* thoſe, who wou'd engroſs not only your Majeſty's Ear,

but

but *all the Gifts and Places your Majeſty can beſtow*; ſo to be, if not in *Name*, yet in *Effect* Kings of *your* People. I mean Cardinal *Wolſey*, whoſe Fame has been pretended to be vindicated by a Domeſtick of his, in the Days of the late Queen. And, tho' I ſhall not deny his admirable Qualifications and Parts; or his Juſtice in many Particulars; yet I ſhall ſhew, that the ills he did, were much more *prejudicial to the King* and *People*, than the Good he did was beneficial to them.

Whatever he did, as *Chancellor*, (allowing his Decrees to have been *all Equitable* and *Juſt*,) will not be ſufficient to deſtroy my Aſſertion; ſince that only reach'd *ſome Particulars*, who had Cauſes depending before him; but the many *Exorbitances* of his Adminiſtration, ſpread to the *whole People*; as will appear from thoſe few Inſtances which I ſhall give, by which he put the King on the moſt *illegal Attempts* to repleniſh that Exchequer, which *his Ambition* and *Pride*, more than any Profuſion, or Expences, of the King, had exhausted.

The Reaſon of this Aſſertion will be plain, if your Majeſty will reflect on the *more than Royal Retinue*, which (tho' a Subject of the *lowest* and *moſt plebeian Riſe*,) he maintain'd. For, not to waſte your Majeſty's *important Hours* with a long Catalogue of the Particulars, he had in his Family, *One Earl*, *nine Barons*, and Knights, Gentlemen, and inferior Officers, about One Thouſand. For the Maintenance of whom he was *once* poſſeſs'd of the *Almonerſhip*, the Biſhopricks of *Tournay*, *Lincoln* and *York*, and *Durham*, St. *Albans* in *Commendam*, the Biſhoprick of *Winchester*, in exchange for that of *Durham*, the Revenues of thoſe of *Bath*, *Worcester* and *Hereford*, was Lord *Chancellor* of *England*, and had the diſpoſal of all Places of *Truſt* and *Profit*, and *ſingly* and *alone* dispatched all Publick Negotiations.

But

But the maintenance of ſo *numerous* a Dependance, was not perhaps the *Moyety* of his Expences; he had long entertain'd an *Ambition* to be *Pope*. And he was too wiſe to attempt any thing in the *Conclave*, or *Court of Rome*, by means of which he cou'd have no hopes of Succeſs. *Money* has always been the *only* Argument which has prevail'd in the *Papal Elections*, or in the particular Intereſts that the Princes in Obedience of that See form for themſelves or *Favourites*. The Cardinal therefore muſt be at an expence *proportionable* to the *vehemence* of his Deſires: Which having *no Bounds*; his Largeſſes, to obtain that End, cou'd be bounded by nothing but the Abilities of the *King* and *Kingdom*, the *Treaſure of which was wholly at his Command*.

This was the Reaſon, that prevail'd with him to engage the King, his Maſter, to lend Sums of Money to the Emperor, whoſe Poverty was ſo well known that he cou'd have no Proſpect of ever having them Repay'd. 'Tis true, the *Emperor* and the *Court of Rome* were not fair Chapmen, but received his Money, and, at the ſame time, inſtead of promoting, obſtructed all his Aims at the *Tripple-Crown*. Theſe *incident* Charges, join'd with the *conſtant* Expences of ſo numerous a Retinue, occaſion'd *perpetual* and *large Diſburſements*; and these put him on *extraordinary Ways and Means* of providing a Fund for their Continuance.

To this end he grants Commiſſions, under the Great Seal of *England*, which oblig'd every Man, *on Oath*, to deliver the true Value and Eſtimate of his Eſtate, and to pay *Four Shillings in the Pound for every Fifty Pounds and upwards*. This was ſo *heavy* and *ſevere* a Tax, that it's being Authoriz'd by *Parliament* wou'd not have freed it from the Imputation of *an Oppreſſion of the Subject*: But to be done by the *private Authority* of a

Subject, is what wants a Name. And that it was ſo, notwithſtanding the Great Seal was affix'd to the Commiſſions, is plain, from his Majeſty's *diſowning* the Matter, as ſuch a Violation of the *Fundamental Rights of the People*, and a *total diſſolution of Magna Charta*, that no wiſe King of *England* cou'd be guilty of. A juſt conſideration of this, made the King declare, *That, tho' his Neceſſities were great, yet he ſhou'd never think them great enough to make him attempt the raiſing Money by any but the Legal way, of the People's conſent in Parliament.*

Tho' the King had made this Declaration, and the Cardinal found his *firſt illegal Project* defeated; yet, ſince Money was to be had, or his Deſigns fall to the Ground, he *once more* trys one as little agreeable to *Law* as the former, tho' not ſo *odious* and *unproper*. He therefore puts the King on deſiring a *Benevolence* of the People without an *Act of Parliament*. And the Commiſſioners, (who were the Cardinal's Creatures, and employ'd by him) *exacted this Money, not as a free Gift, but as if due by Law*. But in this he was *exactly* diſappointed, tho' at the *Expence of his Maſter's Reputation*; for the *People*, pleaded, a Statute of *Richard III.* and *obſtinately refuſed to pay it*.

But, *Madam*, I muſt remember to whom it is that I am ſpeaking; to one of the Wiſeſt and Beſt of Princes, as being entirely free from all *vicious Inclinations*; and of too good Judgment to be inpos'd-on, by the *fairest Appearances* of *Virtue*, ſo far as to loſe the juſter Conſiderations of Publick good in the ſhining Qualities of any *particular*: Under you, *Madam*, we find that Saying true, *How happy is the Kingdom* [*that is*] *govern'd by a Philoſopher!* We *feel* the Bleſſing, and *every Day* experience the *Manna* of your Reign. And, *how indulgent ſoever your Majeſty may be thought to the eminent Excellencies of ſome*, yet I have no manner of Fear, that they will ever be able to *expel your Majeſty's*

Majesty's Affections from all your other Subjects, or make you *ever deviate to a Particularity* in their Favour, *against the Good and* univerſal *Cries of your People.*

This Noble Temper in your *Majeſty* it is that ſecures me againſt *all* Fears from this *Freedom,* which I have taken; ſince you will eaſily ſee a *Publick Spirit,* void of *all private Aims,* ſhine through the *whole.* I have therefore only to add my ardent Wiſhes for the *proſperous and long Reign* of your *Majesty* over *a People that are ſenſible of the Bleſſing which Providence has beſtowed on them in their gracious Queen.*

[This memorial is re-printed from pages 99, 100,——111, of a very small volume of political tracts, called *The Cabala, or Mysteries of State,* published at London in the year 1715.]

THE STATE

OF

A SECRETARIES PLACE,

AND

THE DANGERS INCIDENT TO IT.

Written by ROBERT CECIL, Earl of Salisbury.

Reprinted from the *Cabala*, pages 115, 116,—120.

ALL Officers of State and Counſellors of Princes, have a preſcribed Authority, either by Patent, by Oath, or by Cuſtom; the Secretaries Place only excepted: but to them there is allowed a Liberty to Negotiate at Diſcretion, both at Home and Abroad, with Friends and with Enemies, in all Matters of Enquiry to gain Intelligence.

All the Servants of Princes deal upon ſtrange and cautious Authority and Warrants for it: as in Diſburſements and Receiving of Money by Treaſurers, Receivers, &c. Which is done by ſufficient Warrant; and in Conference with Enemies, as Generals by Commiſſions; in executing of all Offices, as Officers by their Patents; and ſo in whatever elſe: Only a Secretary hath no Warrant or Commiſſion, in matters of his own greateſt Danger, but muſt rely upon the Word and Integrity of his Sovereign.

For ſuch is the Multiplicity of Occaſions, and the variable Motions and Intentions of Foreign Princes, and their daily Practices in ſo many parts and places, that Secretaries can never have any Commiſſion ſo Large and Univerſal as to aſſure them. So that a Secretary muſt either conceive, or dive into, the Thoughts of a King (whic h is only the Prerogative of God Almighty) or elſe a King muſt

muſt either exerciſe the Painful Office of a Secretary himſelf (which is contrary to Majeſty and Liberty) or chuſe ſuch a Secretary that he may repoſe his confidence in; and the Secretary's Life muſt be in Truſt with the Prince: for he cannot deal with Princes *tanquam Inimicum futurum*; and therefore all the Security he has is that his Sovereign will be *Semper Idem*.

All foreign Princes hate another Prince's Secretary, as well as all Ambitious Aſpirers and Conſpirators; becauſe for the moſt part they either Kill thoſe Monſters* in their Cradles, or track them to a diſcovery, where no other Perſon could find the Print of their Feet.

Military Perſons alſo hate them; unleſs they ſerve them on all occaſions, tho' never ſo prejudicial to the Intereſts of their Maſters.

All Perſons in Offices and Places of Truſt malign them, unleſs they wink at their Frauds and Cheating the King: All their fellow-Counſellors envy them, becauſe they ſee and do moſt: have freeſt acceſs to their Sovereign; and on all Occaſions that the Prince has to enquire into offences, to Deny, Prefer, or Puniſh, none are ſo much employ'd, or bear the Burden ſo much, as the Secretaries.

Kings are adviſed to obſerve Three things eſpecially in a Secretary. 1. That he be created by himſelf, and be of his own Raiſing and Preferring. 2. That he match not in a Family that is accounted Factious. 3. That he has a reaſonable Capacity, and convenient Ability both of Friends and Eſtate; that, by the firſt, he may be able to go to the depth of what is committed to his Charge, being brought-up, as it were, in his own Condition: That, by the ſecond, he might not be led-away with any vain or idle conceit, to wrong his prince, or abuſe the Truſt committed to him: And by the laſt, That he may be able to

* That is, *ambitious aſpirers* and *conſpirators*.

to ſerve his Majeſty without wronging any Man out of a Covetous Principle.

On the other hand, a Secretary had need ſerve a Prince that is conſtant to his own Orders, and ſteady in his Commands; otherwiſe he is in a dreadful Condition: for he that lives by being truſted, ought to ſerve faithfully; and he that is content to live at Mercy, ought to be careful in charging* his Maſter that he be juſt, and *de bonâ Naturâ.*

Whilſt Matters of State are debated only between the Prince and his Secretary, thoſe Counſels are like the mutual affections of two Lovers, Undiſcovered to their Friends: When they come to be diſputed in Council, they are like aſking conſent of Parents and adjuſting Portion and Settlement: and the Agreement of the Council is like the Solemnization of the Marriage.

Now, if there be a Secretary, whoſe Eſtate can Witneſs he has not ſerved for Profit; that he has preferr'd the Honour and Safety of his Maſter, and deſpiſed his own advantage; and, after all this, he finds his Fidelity and Diligence cannot ſecure him againſt the Clandeſtine Inſinuations and Slanders of his Malicious Enemies: 'Tis time to reſign his Place. For, as, if he had not been fit to be Truſted, he was unworthy of his Life, ſo his keeping his office after ſuch an Aſſurance, ſhews he is weary of it: for the first Day of a Secretary's being ſuſpected, is the Birth-day of his Miſery; for at the ſame Moment he is Tryed, Judged and Condemned.

* Or, perhaps, *chusing*.

CONSIDERATIONS

ON THE

EXPEDIENCY OF PROCURING AN ACT OF PARLIAMENT FOR THE

SETTLEMENT

OF THE

PROVINCE OF QUEBEC.

By FRANCIS MASERES, Esq.

Then lately appointed his Majesty's Attorney-General for the Province of Quebec, in North-America.

London, printed in April, 1766.

THE difficulties that have arisen in the government of the province of Quebec, and which are likely still to occur in it, notwithstanding the best intentions of those who are intrusted by His Majesty with the administration of affairs there, are so many and so great that the Officers, whom His Majesty has been pleased of late to nominate to the principal departments in that Government,* cannot look upon them without the greatest uneasiness and apprehension, and despair of being able to overcome them without the assistance of an act of Parliament to ground and justify their proceedings. Two nations are to be kept in peace and harmony, and moulded

* Lieutenant-General *Guy Carlton*, (who has been since created a Peer of Great Britain, by the title of *Lord Dorchester*) was appointed Lieutenant-Governour of the Province of Quebec at this time, and William Hey, Esq. Barrister-at-Law, was appointed Chief Justice of the Province.

moulded, as it were, into one, that are at preſent of oppoſite religions, ignorant of each other's language, and inclined in their affections to different ſyſtems of laws. The bulk of the inhabitants are hitherto either French from old France, or native Canadians, that ſpeak only the French language, being, as it is thought, about ninety thouſand ſouls, or, as the French repreſent it in their Memorial, ten thouſand heads of families. The reſt of the inhabitants are natives of Great Britain or Ireland, or of the Britiſh dominions in North-America, and are at preſent only about ſix hundred ſouls; but, if the province is governed in ſuch a manner as to give ſatisfaction to the inhabitants, will probably every day increaſe in number by the acceſſion of new ſettlers for the ſake of trade and planting, ſo that in time they may equal, or exceed, the number of the French. The French are almoſt uniformly Roman-Catholics; there were only three Proteſtant families among them at the time of the conqueſt of the province; and probably that number is not much increaſed among them, as no endeavours have been uſed for their converſion. But, what is more to be lamented, is that they are violently bigotted to the Popiſh religion, and look upon all Proteſtants with an eye of deteſtation. This unhappy circumſtance has been, and is ſtill likely to be, a ground of enmity and diſunion between the old and new inhabitants! The French inſiſt, not only upon a toleration of their public worſhip, but on a ſhare in the adminiſtration of juſtice, as jury-men and juſtices of the peace and the like, and on a right, in common with the Engliſh, of being appointed to all the offices of the government. The Engliſh, on the contrary, affirm, that the laws of England made againſt the Papiſts ought to be in force there, and conſequently that the native

Canadians,

Canadians, unleſs they think proper to turn Proteſtants, ought to be excluded from all thoſe offices and various branches of power: and in ſome degree they ſeem to be ſupported in this opinion by a part of the Governor's Commiſſion; I mean that part which enables him to call and conſtitute a general aſſembly of the freeholders and planters of the province; for it is there expreſsly provided, that no perſon elected to ſerve in ſuch an aſſembly ſhall ſit and vote there till he has ſubſcribed the declaration againſt Popery preſcribed by the ſtatute 25 Car. II. which would effectually exclude all the Canadians.

Toleration of the Roman-Catholic Religion.

The grounds upon which the French demand a toleration of the Catholic religion, are partly the reaſonableneſs of the thing itſelf, they being almoſt univerſally of that religion, and partly the ſtipulation made on that behalf in the fourth article of the definitive treaty of peace, and which is expreſſed in theſe words. "His "Britannic Majeſty on his ſide agrees to grant the li- "berty of the Catholic religion to the inhabitants of "Canada; he will conſequently give the moſt effectual "orders that his new Roman-Catholic ſubjects may "profeſs the worſhip of their religion, according to the "rites of the Romiſh church, as far as the laws of "Great Britain permit."

Theſe laſt words, "as far as the laws of Great Britain permit," render the whole ſtipulation in favour of this toleration very doubtful; for it may reaſonably be contended, that the laws of England do not at all permit the exerciſe of the Roman-Catholic religion.

For in the firſt place, theſe words ſeem to refer to ſome degree of toleration of the Roman-Catholic religion, already actually ſubſiſting in ſome part of the Britiſh dominions, and by virtue of the laws of Great Britain; and if ſo, they

they convey no right to any toleration at all, becauſe no degree of toleration of that religion is already actually allowed by the laws of Great Britain in any part of the Britiſh dominions.

2dly, Suppoſing theſe words not to refer to any toleration of the Catholic religion now actually ſubſiſting by virtue of the laws of Great Britain, but to mean only ſuch a degree of toleration as (though it does not actually ſubſiſt in any of the Britiſh dominions by virtue of the laws of Great Britain, yet) may ſubſiſt without a breach of the laws of Great Britain, yet ſtill there will be great reaſon to think that the laws of Great Britain do not permit this toleration in any degree. For in the firſt place, the ſtatute of 1 Eliz. cap. i. for reſtoring the ſupremacy in eccleſiaſtical matters to the Crown, expreſsly extends to all the Queen's future dominions, as well as to thoſe belonging to the Crown at the time of making the act. The words of the 16th ſection are as follows: "Be it enacted, &c. that no "foreign prince, perſon, prelate, &c. ſpiritual or temporal, ſhall at any time hereafter uſe, or exerciſe, any "manner of power or juriſdiction, Spiritual or Eccleſiaſtical, within this realm, or within any other your "Majeſty's dominions, or countries, that now be, or "*hereafter ſhall be*, but ſhall be clearly aboliſhed out of "this realm, and all other your highneſs's dominions "for ever." And in the next ſection, all this eccleſiaſtical juriſdiction, or ſupremacy, is united and annexed for ever to the Crown. It is clear therefore that the King is, by the laws of Great Britain, ſupreme head of the church in the province of Quebec, as well as in England itſelf. Now it is the very eſſence of Popery, that the Pope, and not the King, is ſupreme in all ſpiritual matters. Conſequently this eſſential article of

Popery

Popery cannot, by virtue of the ſtipulation in the definitive treaty, be tolerated; but all appeals to the Pope, all exerciſes of eccleſiaſtical authority in Quebec, by the Pope, or his legates, or any other perſon commiſſioned by him, all nominations to benefices, or to the biſhoprick of the province, (which is a power the Pope has hitherto exerciſed, at leaſt ſo far as to approve the biſhop before he entered upon the functions of his office) muſt now be illegal and void.

But this act goes a great deal further; for it requires all eccleſiaſtical perſons whatſoever, and likewiſe all lay-perſons holding temporal offices, or employed in the ſervice of the Crown, and likewiſe all perſons holding lands of the Crown, and doing homage for them, to take the oath of ſupremacy to the Queen, or her ſucceſſors, under pain of loſing their benefices, or temporal offices, &c. and this not only in the realm of England, but in any of the Queen's highneſs's dominions. So that by this part of the act, all the Canadian clergy, and a great part of the laiety, might be required to take the oath of ſupremacy, which it is well known the moſt moderate Catholics cannot take, it being contrary to the fundamental article of their religion; for the difference between the moderate Catholics and the more furious and zealous Papiſts, who are moſtly guided by the Jeſuits, conſiſts principally in this circumſtance, that the latter aſcribe to the Pope an unlimited power in temporal as well as ſpiritual matters, and affirm that he may depoſe kings, and abſolve ſubjects from their allegiance, and do other the like extravagant miſchiefs, whereas the former deny his temporal, and acknowledge only his ſpiritual ſupremacy.

It is true indeed, this oath of Supremacy is taken away by the ſtatute of 1 Will. cap. 8. But another ſhorter oath of Supremacy, containing a mere denial of the Spiritual,

Spiritual, or Eccleſiaſtical power of the Pope, or any other foreign Prince, and which is therefore equally contrary to the ſentiments of all Roman-Catholics, is appointed to be taken in its ſtead, and by the ſame perſons, and under the ſame penalties, as before.

It appears therefore, from the ſtatute of 1 Eliz. cap. i. alone, without conſidering any other of the laws againſt Popery, that the exerciſe of the Popiſh religion cannot be tolerated in the province of Quebec, conſiſtently with the laws of England; and conſequently that it cannot be tolerated there at all by virtue of the ſtipulation of the definitive treaty above-mentioned, becauſe that ſtipulation has an expreſs reference to the laws of England.

Further by the next act in the ſtatute-book, or ſtat. 1 Eliz. cap. ii. for the uniformity of common-prayer and ſervice, it is enacted, "That every miniſter of a "pariſh-church, &c. within this realm of England, "Wales, and marches of the ſame, or *other the Queen's* "*dominions*, ſhall be bound to uſe the book of com- "mon-prayer, and ſhall uſe no other ſervice, under "pain of incurring certain heavy penalties."

By this act, the maſs is prohibited in all pariſh-churches in all her Majeſty's dominions.

This act does not indeed ſay expreſsly, as the former does, that it ſhall extend to all her Majeſty's dominions that hereafter ſhall be, as well as thoſe that at preſent are, belonging to the Crown of England. But there is reaſon to believe it meant ſo; or at leaſt there is room for doubt. And, if it does mean ſo, the maſs is prohibited by it in the province of Quebec.

Upon theſe reaſons we may conclude, that the exerciſe of the Catholic religion cannot, conſiſtently with the laws of Great Britain, be tolerated in the province of Quebec.

Yet

Yet that it ſhould be tolerated is ſurely very reaſonable, and to be wiſhed by all lovers of Peace and Juſtice and Liberty of conſcience.

By what authority then ſhall it be tolerated? this is the only queſtion that remains. Shall the King alone undertake to tolerate it? will it be adviſeable that he ſhould exerciſe, though for ſo good an end, a power of diſpenſing with the laws? will it not give room to a thouſand cenſures and odious reflections and compariſons? The authority of Parliament ſeems to be a much ſafer foundation to eſtabliſh this meaſure upon, in a manner which neither the new Engliſh inhabitants of the province can conteſt, nor the French Catholics ſuſpect to be inadequate.

Settlement of the Laws.

The next great difficulty that occurs, is the ſettlement of the laws, by which the province of Quebec is for the future to be governed. The law upon this ſubject ſeems to be this; 1ſt, That the laws of the conquered continue in force till the will of the conqueror is declared to the contrary; this follows from the neceſſity of the caſe, ſince otherwiſe the conquered provinces would be governed by no laws at all. 2dly, That after the declaration of the will of the conqueror the conquered are to be governed by ſuch laws as the conqueror ſhall think fit to impoſe, whether thoſe are the old laws by which they have been governed before, or the laws by which the conquerors are governed themſelves, or partly one, and partly the other, or a new ſet of laws different from both. 3dly, That by the *conqueror* is to be underſtood the *conquering nation*, that is, in the preſent caſe, the Britiſh nation; that conſequently by *the will of the conqueror* is to be underſtood *the will of the British nation*, which in all matters relating to legiſlation is expreſſed by the King and

and Parliament, as in all matters relating to the executive power it is expreſſed by the king alone; that therefore the Parliament only have a power to make laws for the province of Quebec, or to introduce any part of the laws of Great Britain there, or to delegate ſuch a power of making or introducing laws to any other hands, notwithſtanding it may happen that in fact ſuch a power may inadvertently have been delegated to the governor and council of the province by a private Inſtruction of the King alone. For, if the contrary doctrine were true, that the King alone had the whole legiſlative power in the province of Quebec, it would follow, that not only all the conquered Canadians, but all the new Engliſh ſettlers there, would become *ſlaves*, or ſubject to an abſolute and arbitrary government, the moment they ſet their foot there. The King might introduce the ſevereſt laws, and moſt cruel puniſhments, the inquiſition, the rack, and the wheel, and might make all his ſubjects there, both old and new, tenants at will of their lands and other property, and tax them in any degree whenſoever he thought fit. He might keep a ſtanding army there, without conſent of Parliament, and raiſe money to pay them by his own authority; and with ſuch an army, a prince of James IId's. diſpoſition, might oppreſs the liberties of the other adjoining colonies, or even of Great Britain itſelf. Theſe are dreadful conſequences, but follow clearly from ſuch a doctrine; for which reaſon the doctrine itſelf ought not to be maintained. The other opinion, that the conquered people, when once ceded to the Crown of Great Britain, are thereby admitted to be Britiſh ſubjects, and immediately intitled to participate of the liberties of other Britiſh ſubjects, and are therefore to be governed according to the rules

of

the Limited Monarchy of Great Britain, by which the executive power is veſted ſolely in the King, but the power of making laws and raiſing taxes in the King and Parliament, is a much ſafer and more reaſonable opinion.

It is therefore to be wiſhed, that an act of Parliament might be obtained that at once declared what laws ſhould take place in the province of Quebec, whether the laws of the conquered, or the laws of Great Britain, or ſome of the laws of the conquered, and some of the laws of Great Britain; or whether any other laws ſhould be introduced there, more peculiarly fitted to the circumſtances of the province; and, if any, then what laws ſhould be ſo introduced: Or, if this detail be thought too troubleſome for the Parliament to enter upon, and their informations concerning the ſtate of the province ſhould be deemed to be as yet too imperfect to enable them to go through ſuch a buſineſs with propriety, then it is to be wiſhed that an act of Parliament may be obtained, by which ſuch a legiſlative power of making laws and ordinances for the good government of the province might be delegated to the Governor and Council, as has been already exerciſed by them by virtue of an Inſtruction from the King alone. By ſuch a delegated parliamentary authority, they may enquire into the ſtate of the Canadian laws and cuſtoms already in force there, and may reviſe them and reduce them into writing, and enact ſuch of them as ſhall be found beneficial to the province, and fit to be continued, and may introduce ſuch parts of the laws of England as they ſhall think to be for the advantage of the province; and likewiſe, as occaſion offers, make ſuch other new laws and regulations as ſhall be neceſſary for the good government of it: And in ſo doing they will

have

have a due regard to the heads of advice ſuggeſted by Mr. Attorney Yorke, and to ſuch other intimations and inſtructions as the government ſhall think proper to communicate to them. And, leſt this legiſlative power ſhould be abuſed, or injudiciouſly executed, by the Governour and Council, there might be a clauſe in the act of Parliament directing them to tranſmit theſe ſeveral Laws and Ordinances to the King and Privy Council in England, to be by his Majeſty in Council allowed or diſallowed, as his Majeſty ſhall ſee cauſe. Only they ſhould be in force till diſallowed, and, if not diſallowed within a certain time, (as, for inſtance, two years,) they ſhould then be in force for ever, unleſs repealed by act of Parliament. Laws and Ordinances founded on ſuch a parliamentary authority will eaſily find obedience from the people, which it is to be feared no others will; and the Judges of the province will carry them into execution with ten times as much ſpirit and confidence as if they were doubtful of their legal validity.

Suppoſe a criminal in Canada to be guilty of an offence that is capital by the laws of England, but is not ſo by the laws of Canada that have hitherto been received, (a ſuppoſition that is no way difficult, as the criminal law of England abounds with capital offences) in what manner ſhall ſuch a man be puniſhed, unleſs there is a parliamentary declaration determining the puniſhment that ſhall attend his crime; Could any leſſer authority warrant the infliction of death for ſuch a crime? Or would any Judge chuſe, though he ſhould be ſure of never being called to account for it, to paſs ſuch a ſentence without this higheſt authority? But, i. the puniſhments of crimes be ſettled by authority of Parliament, whether immediately by the Parliament itſelf, or mediately by ordinances made by the Governor

and

and Council of the province, by virtue of a legiſlative authority communicated to them by act of Parliament, the judges will be under no other difficulty what puniſhments to inflict upon the ſeveral criminals that come before them, than they are in Great Britain itſelf.

Some perſons are of opinion, that the laws of Great Britain do at once take place in a conquered province, without any authoritative introduction of them, either by the King, or the Parliament. But this opinion ſeems deſtitute of foundation, and is ſufficiently refuted by the advice of the learned Mr. Yorke, His Majeſty's Attorney-General, who has adviſed that the Canadians ſhould be permitted to retain their own Laws, relating to Inheritances and the Alienation of their real eſtates, which would be impoſſible without an act of Parliament for that purpoſe, if the whole ſyſtem of the Laws of England did *ipso facto* become the Law of the province upon its being conquered, or ceded to the Crown. Indeed, the whole ſyſtem of the Laws of England, taken in the groſs, and without a ſelection, would be by no means a bleſſing to the Canadians. The game-laws, the poor-laws, the fictions and ſubtleties in various ſorts of actions and conveyances, the niceties ariſing from the doctrine of uſes, and the tedious and operoſe inſtruments founded on them, would really be a great misfortune to them; and, from their novelty and ſtrangeneſs, would be thought to be a much greater. This Doctrine therefore of the inſtant validity of the whole maſs of the Laws of England throughout the conquered province cannot be true. And if the whole ſyſtem of thoſe laws is not valid there, then certainly no part of them can be ſo. For if they are, then who ſhall diſtinguiſh which of them are valid there, and which are not?

It may therefore be concluded, as at firſt, that none

of the laws of England are valid in the conquered province *ipso facto* by virtue of the conqueſt, or ceſſion, without a poſitive introduction there by a ſufficient authority: and this ſufficient authority ſeems, for the reaſons already mentioned, to be only the Parliament of Great Britain.

Settlement of the Revenue.

The next great difficulty that calls loudly for the interpoſition of Parliament, is the low ſtate of the Revenue of the province of Quebeck. Under the French government this Revenue amounted to about thirteen thouſand pounds *per annum*, but is now ſunk to leſs than three thouſand. The cauſe of this is the change in the courſe of trade; by which means it falls-out, that thoſe taxes which formerly produced the principal part of the revenue, do now, though ſtill in force, produce nothing at all. The principal of thoſe taxes was a duty upon French wines, which were imported there from old France in great quantities. This ſingle duty produced 8000l. a year; now it produces nothing, becauſe no wines are allowed to be imported there from old France. Nor would it be replaced by an increaſe of the conſumption of Spaniſh or Portugueſe wines, ſuppoſing the tax might be conſtrued to extend to thoſe wines; for the Canadians do not like them, and will not drink them. From a like cauſe, another duty which formerly made a conſiderable part of the publick revenue, which was a duty upon French brandies imported from old France, and French rums imported from the French Weſt-India iſlands, now produces nothing at all. From theſe cauſes the Revenue is ſunk ſo low that it is inſufficient to defray the expence of the civil government, though the eſtabliſhment of it is ſo very moderate. It is therefore become neceſſary, either for the treaſury of England to iſſue a ſufficient annual ſum to make good the ſalaries

ſalaries of the ſeveral Officers of the Government, or that ſome new tax ſhould be impoſed upon the inhabitants, in aid of thoſe which by reaſon of theſe accidents have failed, ſufficient for all the purpoſes of the Government. And if this latter method ſhould be adopted, it is preſumed that the authority of Parliament will be the proper power to have recourſe to, that there may be no colour or pretence for conteſting the legality of the taxes ſo impoſed. This power alſo the Parliament may exerciſe, either immediately itſelf by impoſing a tax upon the province of Quebeck this very ſeſſion, before the Parliament riſes, or it may delegate to the Governour and Council a power to impoſe ſuch taxes as they ſhall find neceſſary for the ſupport of the Government, ſubject, as above, to the diſallowance of the King and Privy Council, in order to prevent abuſes, and with proper clauſes of Reſtriction and Appropriation of the money ſo raiſed, in order to prevent a miſapplication of it, either by the Officers of the province, or at home.

If the Parliament ſhould think proper itſelf to lay a tax upon the province, Information has been received from perſons well acquainted with the ſtate and trade of the province, that Britiſh ſpirits would be the commodity that could beſt bear a duty, and would produce the beſt revenue; that there are annually imported into the province about 250,000 gallons of theſe ſpirits, and that they might bear a duty of three-pence a gallon, without hurting the trade, but not more; and this would produce about 3000*l.* a year.

The malicious and deſperate enemies of an upright and popular Adminiſtration, may perhaps traduce ſuch a meaſure as inconſiſtent with their late indulgent conduct with reſpect to the other American colonies in the late repeal of the ſtamp-act. But the difference of the

caſes is too ſtriking to make ſuch a calumny in the leaſt degree formidable. The other American colonies have internal legiſlatures of their own, who have been permitted, ever ſince their firſt eſtabliſhment, to be the aſſeſſors of all their internal taxes; and, as they had not abuſed this privilege with which they had been ſo long indulged,—and further, as their exerciſing this privilege ſeemed to be no way prejudicial to the mother-country,—it ſeemed to have been a harſh and ungracious meaſure in the Parliament, by the advice of the late miniſtry, to revive and exert a dormant and inherent right of taxing them; which, however, the whole Parliament, excepting a very few members of both houſes, have highly declared themſelves to be poſſeſſed of. But the Canadians have no ſuch internal legiſlature, no ſuch uſage of taxing themſelves by repreſentatives of their own chuſing. Unleſs, therefore, they have the ſingular privilege of not being liable to be taxed at all, they muſt be liable to be taxed either by the King alone, or by the King and Parliament; and the milder of theſe two opinions is, that they are taxable by the King and Parliament. Thoſe therefore who ſhould promote the taxing them by authority of Parliament, would act like the trueſt friends to civil liberty, and with the ſame ſpirit of mildneſs and moderation that conducted them in the repeal of the ſtamp-act.

If it ſhould be ſaid, that the province of Quebeck ought to have an Aſſembly in the ſame manner as the other American colonies, and that the taxes ought to be impoſed by the conſent of ſuch an Aſſembly, it will be ſufficient for the preſent purpoſe, and to ſupport the meaſure, here ſuggeſted, of taxing them by authority of Parliament, to anſwer, that as yet no ſuch Aſſembly has been conſtituted: and till an aſſembly is erected, whether

whether that time be ſhort or long, the ſafeſt and mild-eſt method of impoſing taxes is to do it by authority of Parliament.

As to the erecting an Aſſembly in that province, it is a meaſure which probably will not for ſome years to come be found expedient. If an aſſembly were now to be conſtituted, and the directions in the Governour's Commiſſion, above alluded to, were to be obſerved, by which none of the members elected there are to be permitted to ſit and vote in the Aſſembly till they have ſubſcribed the declaration againſt Popery, it would amount to an excluſion of all the Canadians, that is, of the bulk of the ſettled inhabitants of the province. An Aſſembly ſo conſtituted, might pretend to be a repreſentative of the people there; but in truth it would be a repreſentative of only the 600 new Engliſh ſettlers, and an inſtrument in their hands of domineering over the 90,000 French. Can ſuch an aſſembly be thought juſt or expedient, or likely to produce harmony and friendſhip between the two nations? Surely it muſt have a contrary effect. Of an Aſſembly.

On the other hand, it might be dangerous in theſe early days of their ſubmiſſion, to admit the Canadians themſelves to ſo great a degree of power. Bigotted, as they are, to the Popiſh religion, unacquainted with, and hitherto prejudiced againſt, the laws and cuſtoms of England, they would be very unlikely for ſome years to come, to promote ſuch meaſures as ſhould gradually introduce the Proteſtant religion, the uſe of the Engliſh language, or the ſpirit of the Britiſh laws. It is more probable they would check all ſuch endeavours, and quarrel with the Governour and Council, or with the Engliſh members of the Aſſembly, for promoting them. Add to this, that they are almoſt univerſally ignorant

of the Engliſh language, ſo as to be abſolutely incapable of debating in it, and conſequently muſt, if ſuch an Aſſembly were erected, carry-on the buſineſs of it in the French language; which would tend to perpetuate that language, and with it their prejudices and affections to their former maſters, and poſtpone to a very diſtant time, perhaps for ever, that coalition of the two nations, or the melting-down the French nation into the Engliſh in point of language, affections, religion, and laws, which is ſo much to be wiſhed-for, and which otherwiſe a generation or two may perhaps effect, if proper meaſures are taken for that purpoſe. And further, it may be obſerved, that the Canadians themſelves do not deſire an Aſſembly, but are contented to be protected in the enjoyment of their religion, liberties, and properties, under the adminiſtration of his Majeſty's Governour and Council. If, to give a proper ſtability to this mode of government, it is carried-on by authority of Parliament, and is properly ſuperintended, (as no doubt it will be,) by the wiſdom of his Majeſty's Privy-Council, they will think themſelves extremely happy under it. The perſons who moſt deſire the immediate conſtitution of an Aſſembly, are ſome of the ſix hundred Engliſh adventurers, who probably are ambitious of diſplaying their parts and eloquence in the characters of leading Aſſembly-men.

But, if an Aſſembly is to be conſtituted, even this too had better be done by act of Parliament than by the King's ſingle authority, as it is no leſs than ſevering from the general body of his Majeſty's dominions a particular part of them, with reſpect to the purpoſes of making laws and impoſing taxes. Could the King, if he thought proper, and a particular County of England was to deſire it of him, ſever that County from the

reſt

reſt of England, and no longer ſummon any of its members to Parliament, but, inſtead thereof, conſtitute a little Parliament in that County itſelf, that ſhould make laws and lay taxes for the inhabitants of that ſingle County? It is preſumed that he could not: and the erecting an Aſſembly in a conquered province is an act of much the ſame nature. It is true indeed, that ſome of the American Charters and Aſſemblies owe their riſe to this authority: but this was in the reigns of the STUARTS, who were fond of extending their Prerogative; and, on account of the inconſiderableneſs of the colonies at that time, theſe things were then unnoticed; ſo that they do not prove the ſtrict legality of the practice. Since that time theſe Charters have been put in practice by the Colonies, and acquieſced in by the mother-country, and in ſome meaſure recognized in Parliament; and this uſage, acquieſcence, and recognition, are in truth their beſt ſupport.

But, if an Aſſembly is to be conſtituted, in which the Catholicks or Canadians are to be admitted, (as in juſtice and reaſon they ought to be, if any aſſembly at all is to be erected) the authority of Parliament ſeems to be ſtill more neceſſary to give validity to ſuch a meaſure.

For the reaſons that have been juſt now mentioned, it ſeems evident that the meaſure of erecting an Aſſembly in the province of Quebeck is ſomewhat premature. How ſoon it will become expedient and proper, Experience only can ſhew. But in the mean time, however ſhort that time may be, it ſeems neceſſary to have recourſe to the authority of Parliament for ſettling the government of the province, and removing the difficulties that obſtruct that ſettlement in the three great articles of Religion, Law, and Revenue. It is therefore the humble requeſt of all the gentlemen who have lately

appointed to the principal Offices in the government of Quebeck, to his Majeſty's Miniſters of State, that they would uſe their influence and endeavours to procure ſuch an act of Parliament as they ſhall, upon the whole matter, think to be neceſſary, to remove the difficulties that have been ſtated, and to enable the ſaid gentlemen to adminiſter the government of that province in their ſeveral departments, with ſecurity to themſelves, and advantage to the province.

Signed,

Perhaps an act of Parliament to the following purport might anſwer the intended purpoſes.

A ſketch of an act of Parliament for tolerating the Roman-Catholick religion in the province of Quebeck, and for encouraging and introducing the Proteſtant religion into the ſaid province, and for ſettling the Laws, and augmenting the publick Revenue of the ſame.

CHAP. I.

Concerning the Toleration of the Roman-Catholick Religion.

WHEREAS it has been humbly repreſented to the King's Moſt Excellent Majeſty, by His loyal and faithful ſubjects, the French inhabitants of the province of Quebeck, that they are, for the moſt part, members of the church of Rome, and are, from motives of conſcience, moſt earneſtly deſirous of a permiſſion to continue in the ſame church, and to worſhip the Supreme Being according to the rites and ceremonies thereby preſcribed, and have alledged that they conceive themſelves to have ſome reaſonable claim to ſuch permiſſion and indulgence,

ence, not only from the innate goodneſs and clemency of his Majeſty's diſpoſition, which inclines him at all times to ſhew himſelf a tender father of all his people, and the generoſity, which always actuates the Parliament of Great Britain, to co-operate with his Majeſty in all ſuch his gracious purpoſes, but from a ſtipulation made in this behalf in the fourth article of the laſt definitive treaty of peace concluded at Paris, in the year of our Lord one thouſand ſeven hundred and ſixty-three which is contained in theſe words: "His Britannic "Majeſty, on his ſide, agrees to grant the liberty of the "Catholick religion to the inhabitants of Canada. He "will conſequently give the moſt effectual orders that "his new Roman-Catholick ſubjects may profeſs the "worſhip of their religion, according to the rites of the "Romiſh church, as far as the laws of Great Britain "permit." And whereas certain doubts have ariſen, and may ariſe, whether the laws of Great Britain will permit the exerciſe of the Roman-Catholick religion in any degree, even in the remoteſt dominions of the Crown of Great Britain: and whereas His Majeſty and the Britiſh Parliament judge it to be reaſonable in the preſent caſe to grant a toleration of the exerciſe of the ſaid Roman-Catholick religion throughout the ſaid province of Quebeck, both on account of the almoſt univerſal prevalence of that religion among the French inhabitants of that province, and the ſtipulation in that behalf made in the definitive treaty of Paris, as is above mentioned; yet not without ſuch reſtrictions as may prevent the ill conſequences that might otherwiſe follow from ſuch indulgence: IT IS THEREFORE ENACTED, by his ſaid Moſt Gracious Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and the Commons, in Parliament aſſembled, that it

Toleration of the Ro-

man Catholick worship.

it ſhall and may be lawful for the Curates and Vicars, and other prieſts belonging to the ſeveral pariſhes in the Province of Quebeck, to celebrate the maſs, and to adminiſter the ſacraments of the church of Rome, and to perform all the other functions of the prieſtly office, according to the rites and ceremonies of that church; and that it ſhall alſo be lawful for any of the inhabitants of the ſaid province to attend the maſs, or other Roman-Catholick offices of religion, without any hindrance or moleſtation; any law, ſtatute, or cuſtom, of England to the contrary thereof in any wiſe notwithſtanding.

Seminaries for Roman-Catholick priests.

And, to the end that the ſaid Roman-Catholick inhabitants of the ſaid Province of Quebeck may be under no neceſſity, or temptation, to keep-up a correſpondence with Old France, in order to be ſupplied with Roman-Catholick prieſts to officiate in their ſeveral pariſh-churches, upon the ſeveral vacancies which may happen by the deaths of the preſent Incumbents, IT IS HEREBY FURTHER ENACTED, that it ſhall and may be lawful for the Governour, or Commander in chief, and Council of the ſaid Province, to tolerate and licence by an ordinance made and publiſhed for that purpoſe, ſuch and ſo many of the Seminaries already eſtabliſhed in the ſaid province for the education of perſons intended for holy orders according to the church of Rome, as they ſhall think ſufficient to ſupply a proper number of the ſaid Popiſh prieſts for the ſervice of the Roman-Catholick inhabitants of the ſaid Province. And the ſaid Governour, or Commander in chief, and Council of the ſaid Province ſhall have power by new Ordinances to tolerate more, or fewer, of theſe Seminaries, as occaſion may require.

Roman-Catholick Biſhop.

And, to the end that the perſons that dedicate themſelves to the ſervice of the church, according to the rites of

of the Romiſh religion, may be enabled to receive Epiſcopal Ordination, according to the forms of that church without going to Old France, or any other Roman-Catholick country of Europe, for that purpoſe, IT IS HEREBY FURTHER ENACTED, that it ſhall be lawful for His Majeſty to appoint from time to time, by letters-patent under his great ſeal of Great Britain, or to impower the Governour, or Commander in chief, of the ſaid Province, to appoint, by letters-patent under the ſeal of the Province, a Biſhop, or Superintendant, of the Roman-Catholick clergy of the ſaid province, with ſuch reaſonable ſalary, not exceeding the ſum of four hundred pounds ſterling a year, as His Majeſty, by the advice of his Privy Council, ſhall direct, to have and to hold the ſaid office of biſhop, or ſuperintendant of the Roman-Catholick clergy, and the revenue thereto annexed, during his Majeſty's pleaſure.

Governour ſhall preſent to all the churches.

Alſo it is hereby provided, that the Governour, or Commander in chief, of the ſaid Province of Quebeck, ſhall preſent all the Roman-Catholick prieſts to the ſeveral pariſh-churches, whenever they become vacant; and the Biſhop, or Superintendant, ſhall, upon ſuch preſentation, inſtitute them to the ſame. And it ſhall be lawful for the ſaid Governour, or Commander in chief, to preſent to the ſaid churches, and for the ſaid biſhop to inſtitute thereto, any of the Jeſuits, or other monks, now belonging to any of the monaſteries, or religious houſes, in the ſaid province of Quebec. But no other Jeſuits, or monks of any other religious order whatſoever, beſides thoſe that are now in the ſaid province, and no ſecular prieſts whatſoever, but ſuch as were, or ſhall hereafter be, educated in the Canadian Seminaries, ſhall be capable of being preſented, or inſtituted, to any of the ſaid churches.

man Catholick worship.

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Regulation of the Seminaries.

Alſo it is hereby further provided, that the Governour and Council ſhall have power to regulate, as often as they think proper, by Ordinances made for that purpoſe, the ſeveral Seminaries which they ſhall think fit to tolerate and licenſe, as aforeſaid.

Carrying the Host in procession.

Alſo it is further provided, that it ſhall be lawful for the Governour and Council to prohibit, or reſtrain, in any manner they think proper, the carrying-about the Hoſt in proceſſion through the ſtreets and publick highways, by an Ordinance made and publiſhed for that purpoſe, and to confine the exerciſe of the Romiſh religion to churches and private houſes, in order to avoid giving offence and ſcandal to the Engliſh inhabitants and others of the Proteſtant religion.

Marriages of Priests.

Alſo it is further enacted, by the authority aforeſaid, that it ſhall and may be lawful for the aforeſaid Roman-Catholick biſhop, or ſuperintendant, and likewiſe for all the Roman-Catholick prieſts, ſo as aforeſaid tolerated in the ſaid province, to enter into the holy ſtate of matrimony, if they ſhall ſo think fit, without incurring any damage, cenſure, or diſability, eccleſiaſtical or temporal, whatſoever; any canon, rule, law, or cuſtom of the Romiſh church, to the contrary thereof in any wiſe notwithſtanding. And the children ariſing from ſuch marriages ſhall be, and be deemed, legitimate to all intents and purpoſes.

Establishment of church-dues.

And, to the end that the Roman-Catholick clergy that are hereby tolerated may have a reaſonable maintenance ſuitable to their office and character, IT IS FURTHER ENACTED, that the ſame legal profits and dues, whether they be glebe-lands or tithes, or of any other kind whatſoever, that belonged or were payable to the Roman-Catholick prieſts of the ſeveral pariſhes in the time of the French government, and might then

then have been recovered by proceſs of law, in any Court either ſpiritual or temporal, and were not mere voluntary donations or oblations, ſhall ſtill belong to the ſaid Roman-Catholick prieſts, and be paid to them by the Roman-Catholick inhabitants of their reſpective pariſhes, and the payment of them by ſuch Roman-Catholicks ſhall be enforced by proceſs of law in the Court of the Chief Juſtice of the province, by ſome ſhort and convenient ſuit to be appointed for that purpoſe by the Governour and Council of the province, by an Ordinance made and publiſhed by them for that purpoſe. And, in order to prevent unneceſſary diſputes concerning theſe profits and dues, the ſaid Chief Juſtice of the province ſhall enquire by the oaths of twelve, or more, Canadian houſe-keepers of good reputation in every pariſh throughout the province, what thoſe legal profits and payments were in the time of the French government, and ſhall transmit a written account of the ſame to the Governour and Council of the province, who ſhall thereupon cauſe them to be printed. And two copies of the ſaid printed liſts of the ſaid profits and dues ſhall be preſerved, the one among the records of the Council, the other among the records of the Court of the Chief Juſtice, and ſhall be deemed authentick evidence, on all future occaſions, of the dues of the clergy in the ſeveral pariſhes of the ſaid province.

Collegiate churches, and religious houſes.

And further, whereas it can be in no degree neceſſary to the free exerciſe of the Roman-Catholick religion in the ſaid province of Quebeck, that the Cathedral or Collegiate-churches of deans and chapters, or the religious ſocieties of monks and nuns, ſhould be permitted to continue, and, as there is reaſon to apprehend that the continuance of them might prove detrimental and burthenſome to the ſaid province, IT IS THEREFORE HEREBY

HEREBY FURTHER ENACTED, that all ſuch members of any Cathedral or Collegiate churches, or religious ſocieties, as think proper to depart from them and reſign their rights to any profits from them, and ceaſe to be members of them, whether they be Deans, or Prebendaries, or Canons, or other members of any Cathedral or Collegiate church, or monks, or nuns, or other members of any religious ſociety or monaſtery, ſhall be at full liberty to depart therefrom, whenſoever they think fit: any cuſtom, law, or ſtatute of ſuch Cathedral or Collegiate church, or religious ſociety, or any canon, rule, law, or cuſtom of the Romiſh religion, to the contrary hereof in anywiſe notwithſtanding.

Alſo it ſhall be lawful for any of the ſaid Deans, or Prebendaries, or Canons, or other members, of any Cathedral or Collegiate church in the ſaid province of Quebeck, and for any Abbot or Prior, Abbeſs or Prioreſs, monk or nun, or any other member of any monaſtery or religious houſe in the ſaid province, to enter into the holy ſtate of matrimony, if they ſhall think fit ſo to do; any law, canon, or cuſtom of the Romiſh religion to the contrary thereof in any wiſe notwithſtanding. And the ſaid marriages ſhall be valid, and the iſſue of them legitimate, to all intents and purpoſes whatſoever.

All ſuch of the ſaid perſons as enter into the holy ſtate of matrimony ſhall be deemed to have thereby departed voluntarily from the Cathedral, or Collegiate church, monaſtery, or religious houſe, to which they belonged, and to have renounced all their connection therewith, and all their right to any profit ariſing from them.

Alſo it is hereby provided, that no new members be admitted hereafter into any of the ſaid Cathedral or Collegiate churches or monaſteries, or religious houſes;

but

but that thoſe who are there already, and deſire to continue there, be permitted ſo to do during their lives; and that after the death, or marriage, or voluntary departure, of all the members of all the ſaid Cathedrals or Collegiate churches, monaſteries, or religious ſocieties, their houſes, lands, revenues, and goods of every kind, moveable and immoveable, ſhall be taken into the King's hands, and make part of the publick revenue of the Province; and that in the mean time the ſtipends of ſuch members of the ſaid Cathedral or Collegiate churches, monaſteries, or religious houſes, as either die, or marry, or voluntary depart from the ſaid churches or religious houſes, ſhall not accrue to the ſurviving or remaining members of the ſaid ſocieties, but ſhall be immediately taken into the King's hands, and make a part of the ſaid publick revenue of the Province.

Liberty to read the Holy Scriptures.

Alſo, to the end that the Roman-Catholick inhabitants of the ſaid province may, by the free exerciſe of their reaſon, and the light of the holy goſpel, be converted from the errors and ſuperſtitions of the church of Rome, to the profeſſion of the true Proteſtant religion; IT IS HEREBY FURTHER ENACTED, that it ſhall be lawful for all the inhabitants of the ſaid province, Roman-Catholicks as well as Proteſtants, to read the books of the Old and New Teſtament in the French or Engliſh language, or in any other language whatſoever, any canon, rule, or cuſtom of the Romiſh religion, to the contrary hereof in anywiſe notwithſtanding. And no prieſt ſhall inflict any eccleſiaſtical cenſure, or penance, upon any Roman-Catholick inhabitant of the ſaid province for ſo doing, upon pain of being impriſoned for a year, upon an indictment and conviction thereof before the Chief Juſtice of the province.

And,

Provision of Protestant ministers for future converts from the Romish religion.

And, whereas there is great reaſon to hope, that, by the pious examples and exhortations of perſons that profeſs the Chriſtian religion in greater purity, and by the free peruſal of the holy ſcriptures, many of the French inhabitants of the ſaid province that now profeſs the Roman-Catholick religion, may be converted from the errors and ſuperſtitions thereof to the belief of the true Proteſtant religion; upon which moſt deſirable event it will be reaſonable that they ſhould have places of publick worſhip to reſort-to, and miniſters of the Goſpel to perform divine ſervice to them, and that ſuch miniſters ſhould have a proper reward for their pious labours: IT IS HEREBY FURTHER ENACTED that, if, upon any vacancy of a pariſh-church by the death of a Roman Catholick Incumbent, a fourth part, or more, of the inhabitants that are houſekeepers in the ſaid pariſh, or, in caſe there are more than four-ſcore houſekeepers in the ſaid pariſh, if twenty, or more, of the ſaid houſekeepers, ſhall preſent a petition to the Governour, or Commander in chief, of the ſaid province, ſetting-forth that they are Proteſtants, and that they are deſirous to have a Proteſtant miniſter among them, to perform divine ſervice, and exerciſe all the functions of the miniſtry among them, and praying the Governour to appoint them ſuch a miniſter, it ſhall in ſuch caſe be lawful for the ſaid Governour, or Commander in chief, of the ſaid province, to nominate and appoint to ſuch vacant church, a Proteſtant miniſter of the Goſpel by letters-patent under the publick ſeal of the province, to hold the ſaid office of a Proteſtant miniſter of the Goſpel for the ſaid pariſh during his natural life, or till he ſhall accept ſome other benefice, which ſhall inſtantly make his appointment to the former benefice void. And the ſaid Governour

Governour, or Commander in chief, ſhall at the ſame time preſent, as abovementioned, a Roman-Catholick prieſt to the ſame church for the benefit of the Catholick inhabitants of the ſaid pariſh. And all the tithes and other dues that are to be paid by the Proteſtant inhabitants of ſuch pariſh ſhall be paid by them to the ſaid Proteſtant miniſter, and ſhall be recovered by him, by proceſs of law in the ſame manner as they might have been recovered before by the Roman-Catholick prieſt of the ſaid pariſh. And all the tithes and dues that are to be paid by the Roman-Catholick inhabitants of the ſaid pariſh, ſhall be paid to the Roman Catholick prieſt of the ſaid province. And the glebe-lands, and other profits of the church that do not ariſe from payments of any kind made by the inhabitants of the ſaid pariſh, ſhall be divided between the Roman-Catholick prieſt and the Proteſtant miniſter of the ſaid pariſh, in proportion to the numbers of the houſekeepers that profeſs the Popiſh and Proteſtant religions, at the time of filling-up the vacancy of the church in the manner hereby preſcribed. And this diviſion of the profits of the church between the Popiſh prieſt and the Proteſtant miniſter ſhall be made by virtue of an Order in writing from the ſaid Governour, or Commander in chief, made for that purpoſe under his hand. And this Order of the Governour, or Commander in chief, ſhall be final and ſhall be deemed to have aſcertained the proportion of this diviſion beyond all litigation. And upon ſuch appointment of a Proteſtant miniſter to any vacant church, though a Romiſh prieſt be preſented thereto at the ſame time, all relicks, images, pictures, and crucifixes, and other ſuperſtitious ornaments, ſhall be removed from the ſaid church, in conſequence of an Order to be made by the Governour, or Commander in chief, for that purpoſe, in writing

and under his hand. But they may be kept by the Roman-Catholick prieſt of the ſaid pariſh, in ſome convenient place to be provided by him and the Roman-Catholick inhabitants thereof for that purpoſe; and may be brought into, and placed in, the ſaid church, during the time of divine ſervice, as often as occaſion ſhall require, but ſhall at the end of ſuch ſervice be again removed thereout. And the ſaid Governour, or Commander in chief, may cauſe his ſaid order to be inforced in ſuch a manner as to him ſhall appear moſt effectual and expedient.

Alſo it is hereby further enacted that, if, upon any vacancy of a pariſh-church in the ſaid province by the death of the Popiſh prieſt thereof, it ſhall appear to the Governour's ſatisfaction, that three-fourth parts, or more, of the inhabitants that are houſekeepers in the ſaid pariſh, are Proteſtants, he ſhall not preſent any Roman-Catholick prieſt to the ſaid church, but ſhall only appoint a Proteſtant miniſter thereto. And the ſaid Proteſtant miniſter ſhall receive and enjoy all the profits of the ſaid church. And in this caſe the Governour, or Commander in chief, of the ſaid province, ſhall take order that all the relicks, images, pictures, and crucifixes, and other ſuperſtitious ornaments of ſuch church, ſhall be removed from the ſaid church, to be never more ſet-up therein, and ſhall be either deſtroyed or otherwiſe diſpoſed-of, as the ſaid Governour ſhall think fit.

Oath of allegiance to be taken by the Roman-Catholick prieſts.

Alſo it is hereby further enacted, that all the Roman-Catholick prieſts now in the poſſeſſion of any churches in the ſaid province, ſhall take the following oath of allegiance to his Majeſty, appointed by the ſtatute of 1 Geo. I. cap. 13. to wit, "I, A. B. do ſincerely promiſe and ſwear, that I will be faithful and bear true "allegiance to his Majeſty King George. So help me "God."

God." And this oath they ſhall take, either before the Governour and Council, or the Chief Juſtice of the province, or ſuch other perſon or perſons as the Governour and Council ſhall, by an ordinance to be made and publiſhed for that purpoſe, impower to adminiſter the ſame unto them. And upon refuſal to take the ſaid oath, they ſhall be inſtantly deprived of their reſpective benefices in the church, and ſhall be incapable ever after of being preſented to any benefices in the ſaid province. And the Governour ſhall, as ſoon as conveniently may be, preſent another prieſt to the benefice thereby become vacant.

And this oath the Governour, or Commander in chief, is hereby required to adminiſter, or cauſe to be adminiſtered, to all the ſaid prieſts with all convenient expedition.

Alſo the aforeſaid Roman-Catholick biſhop, or ſuperintendant of the clergy, ſhall take the ſaid oath of allegiance before he can exerciſe any of the functions of the ſaid office. And if he ſhall refuſe ſo to do, being required thereto by the Governour, he ſhall thereby loſe his ſaid office of biſhop, or ſuperintendant, and ſhall be incapable ever after of holding that office or any other benefice or employment in the church during his life.

Alſo all the Roman-Catholick prieſts that ſhall hereafter be preſented to any of the churches in the ſaid province, ſhall, before ſuch preſentation, take the ſaid oath of allegiance. Otherwiſe their preſentation and inſtitution to any of the ſaid churches ſhall be void.

Alſo it ſhall be lawful for the Governour, or Commander in chief, of the ſaid province, to require all Deans and Prebendaries, or Canons, or other members of any Cathedral or Collegiate church, and likewiſe all

ſuperiors of any ſeminaries, and all Jeſuits or other monks, or other members of any religious houſe, to take the ſaid oath of Allegiance. And if they refuſe ſo to do, their places, offices, and profits in ſuch churches or ſocieties, ſhall immediately be void and ceaſe, and they ſhall be expelled from ſuch ſocieties.

They may likewiſe be required to abjure the temporal power of the Pope.

Alſo it ſhall be lawful for the ſaid Governour, or Commander in Chief, to require the ſaid Biſhop, or Superintendant, and all the Roman-Catholick prieſts of the ſeveral churches in the ſaid Province, both thoſe that are now in poſſeſſion of the ſaid churches, and thoſe that ſhall hereafter be preſented to them, and likewiſe all the deans and prebendaries, or canons, or other members of any cathedral or collegiate church, and all the Jeſuits and other monks, and other members of religious houſes in the ſaid Province, to take alſo the following oath, being the firſt part of another oath appointed to be taken by the aforeſaid ſtatute of 1 Geo. I. cap. 13. to wit, "I, A. B. do ſwear, that I "do from my heart abhor, deteſt, and abjure, as im- "pious and heretical, that damnable doctrine and po- "ſition, that princes excommunicated or deprived by "the Pope, or any authority of the ſee of Rome, may "be depoſed or murdered by their ſubjects, or any "other whatſoever. So help me God." And thoſe who, being required to take this oath, ſhall refuſe ſo to do, ſhall incur the ſame penalties as have been above appointed for refuſing to take the aforeſaid oath of Allegiance.

No appeals to Rome.

Alſo it is hereby further enacted, that no appeal ſhall be made in any matter whatſoever, ſpiritual or temporal, ariſing in the ſaid Province, to the Pope or Biſhop of Rome, or to any other foreign authority whatſoever; and that no juriſdiction, ſpiritual or temporal,

poral, ſhall be exerciſed by the ſaid Pope, or by any of his legates, or by any other perſons commiſſioned by him in the ſaid Province of Quebeck, under any pretence whatſoever. And no bulls, or diſpenſations, or inſtruments of any kind, founded on the authority of the ſaid Biſhop of Rome, or on any other foreign authority whatſoever, ſhall be brought into the ſaid Province. And whoſoever ſhall bring into the ſaid Province any ſuch bulls, diſpenſations, or other inſtruments, founded on ſuch foreign authority, and whoever ſhall exerciſe in the ſaid Province any legantine or other authority derived from the ſaid Biſhop of Rome, ſhall, upon indictment and conviction thereof before the Chief Juſtice of the Province, be puniſhed by confiſcation of all his goods and chattels, and impriſonment at the diſcretion of the Court, and, if he be a ſecular prieſt, by loſs of all ſuch beneſices as he may have in the church, and an incapacity of holding any ever after.

Churches may be aſſigned for the immediate uſe of the Proteſtants.

And, to the end that the officers of the civil government of the ſaid Province, and the officers and ſoldiers of the army that are quartered there, and the Engliſh merchants and ſettlers, and other Proteſtant inhabitants thereof, may be immediately accommodated with convenient places of publick worſhip, IT IS HEREBY ENACTED, that it ſhall be lawful for the Governour, or Commander in Chief, of the ſaid Province, to cauſe ſuch and ſo many of the churches already built in the ſaid Province, as he ſhall think proper, to be prepared for the ſervice of God according to the ſimplicity of the Proteſtant religion, by removing out of them all relicks, images, pictures, and crucifixes, and other ſuperſtitious ornaments, and to order divine ſervice to be performed therein at ſuch hours, and by ſuch Proteſtant miniſters, as he ſhall think proper to appoint. And

the Romiſh prieſt, and other Roman-Catholick inhabitants of ſuch Pariſhes, may at other hours of the day not interfering with thoſe appointed for the Proteſtant ſervice, perform and attend divine ſervice there according to the rites of the Romiſh religion, and may at thoſe times, if they think proper, replace in the ſaid churches the ſaid images and other church-ornaments, to continue there during the time of ſuch divine ſervice, but no longer; and, after ſuch ſervice is ended, they ſhall remove them to ſome convenient place to be provided by them for their reception and preſervation.

Governour and Council may make further regulations concerning Religion,

And whereas it is probable, that many other regulations may be found neceſſary by perſons reſiding in the ſaid Province of Quebeck, and well acquainted with the ſtate thereof, for encouraging and introducing the Proteſtant religion in the ſaid Province; and others may become neceſſary hereafter as occaſions and circumſtances ſhall vary: In order therefore that all ſuch regulations may be made from time to time with due attention and expedition, IT IS HEBEBY FURTHER ENACTED, that it ſhall be lawful for His Majeſty's Governour, or Commander in Chief, of the ſaid Province of Quebeck, by and with the conſent of the Council of the ſaid Province, or a majority thereof, to make ſuch laws and ordinances for the toleration of the Roman-Catholick, and for the ſettlement and encouragement of the Proteſtant, religion, as to them ſhall ſeem moſt fitted for thoſe purpoſes. And the Ordinances ſo made ſhall be tranſmitted to His Majeſty with all convenient expedition, to be by his ſaid Majeſty conſidered and examined in his Privy-Council, and to be allowed or diſallowed as his Majeſty, by the advice of his ſaid Council, ſhall reſolve. And, if ſuch Ordinances are allowed by His Majeſty, they ſhall be valid Laws until they are repealed

Subject to the diſallowance of the King in Council.

by

by ſome ſubſequent act of Parliament. And if they are not diſallowed by His Majeſty in Council within the ſpace of three years, they ſhall likewiſe be valid laws until they are repealed by ſome ſubſequent act of Parliament. And further, they ſhall be binding from the time of their being made and publiſhed in the Province, and ſhall not become void, in caſe of a diſallowance, till the arrival of ſuch diſallowance and the publication of it by the Governour.

CHAP. II.

Concerning the Settlement of the Laws in the ſaid Province of Quebeck.

AND whereas it is abſolutely neceſſary for the welfare and good government of the ſaid Province of Quebeck, that a ſyſtem of Laws ſhould be eſtabliſhed therein upon a ſolid and inconteſtable foundation; And whereas it may not be convenient to impoſe upon the inhabitants of the ſaid Province the whole body of the Laws of England at once, and thereby intirely over-turn all the Laws and Cuſtoms by which the French inhabitants of the ſaid province have hitherto been governed, and to which they are much devoted, nor on the other hand to leave all the ſaid old Laws and Cuſtoms of the ſaid Province in their full force without any alteration whatſoever; IT IS THEREFORE ENACTED, by the King's Moſt Excellent Majeſty, by and with the advice and conſent of the Lords ſpiritual and temporal, and the Commons in Parliament aſſembled, that it ſhall be lawful for the Governour, or Commander in Chief, of the ſaid Province, by and with the advice and Governour and Council ſhall

Have power to make Laws for the Province.

and conſent of the Council of the ſaid Province, or the majority thereof, to inquire into, reviſe, and examine the Laws and cuſtoms that have heretofore prevailed in the ſaid Province, and to enact by Ordinances made and publiſhed for that purpoſe, ſuch of the ſaid laws and cuſtoms as they ſhall judge to be fit to be continued, and to make ſuch alterations and reformations thereof as they ſhall think reaſonable, and to introduce ſuch parts of the Laws of England, and to make ſuch new Laws and regulations, as they ſhall judge to be conducive to the welfare of the inhabitants of the ſaid Province, and the honour of the crown of Great Britain.

Subject to the diſallowance of the King in Council.

And to the end that this great, but neceſſary, power, thus delegated by the Parliament of Great Britain to the ſaid Governour and Council of the ſaid Province of Quebeck, may not become detrimental to the ſaid Province by any abuſe, or injudicious exerciſe, thereof by the ſaid Governour and Council, it is hereby further provided, that the Ordinances made by them by virtue thereof, be tranſmitted, as ſoon as they are made, to His Majeſty in Council, in order to be there examined and fully conſidered, and finally allowed or diſallowed, as His Majeſty, with the advice of his ſaid Council, ſhall think fit. But they ſhall be binding on all the inhabitants of the ſaid Province from the time they are paſſed, until His Majeſty's diſallowance arrives in the Province, and is made publick by the Governour: and if they are not diſallowed within three years, they ſhall no longer be ſubject to ſuch diſallowance, but ſhall continue to be valid Laws until they are repealed or altered by ſome ſubſequent act of Parliament.

CHAP.

CHAP. III.

Concerning the Publick Revenue of the Province of Quebeck.

AND whereas the publick Revenue of the Province of Quebeck did in the Time of the French government amount to about thirteen thouſand pounds ſterling a year, but now is reduced to about three thouſand pounds ſterling a year by various cauſes, one of which is that ſince the conqueſt of the ſaid Province by the Britiſh arms no French wines have been imported into the ſaid Province from Old France, which in the time of the French government uſed to be imported thither in ſuch quantities, that the duty impoſed and levied on the ſaid wines, uſed, one year with another, to amount to no leſs than eight thouſand pounds a year; And, whereas certain doubts and difficulties have ariſen, and may ariſe, whether certain other profits of the Crown and duties on various kinds of goods which were enjoyed by the Crown of France, and levied and paid in the time of the French government, ſhould ſtill of right continue and belong to the Crown of Great Britain, and be levied and paid as heretofore; And, whereas, if all the ſaid profits and duties were fully enjoyed and paid as heretofore, yet ſtill the publick Revenue of the ſaid Province would fall very ſhort of what it was in the time of the French government: In order therefore to remove the ſaid doubts and difficulties, and likewiſe to reſtore the publick revenue of the ſaid Province to ſuch a condition as may be ſufficient for defraying in a proper manner the expence of the Civil Government thereof, IT IS DECLARED AND ENACTED by the King's Moſt Excellent Majeſty, by and with the advice and

and conſent of the Lords ſpiritual and temporal, and the Commons in Parliament aſſembled, that all ſuch profits of any kind whatever as were enjoyed by the Crown of France at the time of the conqueſt of the ſaid Province by the Britiſh arms, ſhall now belong, and of right ought to belong, to, and be enjoyed by, the Crown of Great Britain, and that all ſuch duties upon any commodity of any kind exported from, or imported into, the ſaid Province, as were levied and paid to the officers of the Crown of France at the time of the ſaid conqueſt, ſhall now be levied and paid, and ought of right to be levied and paid, to the officers of the Crown of Great Britain; and further, that a duty of three-pence for every gallon be paid upon all Britiſh ſpirits of every kind imported into the ſaid Province either from Great Britain, or Ireland, or the Britiſh Weſt-India iſlands, or any other of the Britiſh dominions whatſoever, unleſs it ſhall be found and adjudged by the Governour and Council of the ſaid Province, upon a careful inquiry and peruſal of the edicts or ordinances of the French King whereby the ſeveral duties on goods imported into the ſaid Province were impoſed, that Britiſh ſpirits imported into the ſaid Province were liable to pay a duty under the French government; and in that caſe the inhabitants of the ſaid Province ſhall now pay the ſame duty as they were liable to pay under the French government immediately before the breaking out of the laſt war between the two Crowns of Great Britain and France, provided that the said duty does not exceed three-pence for every gallon; and, if it does exceed three-pence for every gallon, they ſhall pay only three-pence a gallon and no more. And in the mean time, and till it is declared by the Governour and Council what the duty on this commodity was under the

The French Taxes ſhall ſtill continue.

And a new Duty be laid of 3 pence per gallon upon Britiſh ſpirits.

the French government at the ſaid time of the laſt breach between the two nations, the ſaid duty of three-pence for every gallon on all Britiſh ſpirits imported into the ſaid Province ſhall be paid.

Publick Money to be iſſued by Order of the Governour and Council.

And it is hereby further enacted and provided, that it ſhall be lawful for the Governour, or Commander in Chief, of the ſaid Province, by and with the advice and conſent of his Council, and according to Ordinances to be by them made and publiſhed from time to time for that purpoſe, to iſſue warrants under his hand to the Receiver-general of the publick revenue of the ſaid Province to pay ſuch ſums, as by ſuch Ordinances ſhall be appointed, to the perſons appointed therein to receive the ſame, for purpoſes relating to the government and publick welfare of the Province; ſuch as building or repairing barracks for ſoldiers, building or repairing churches for the uſe of the Proteſtant inhabitants of the ſaid Province, aſſigning ſalaries, or other rewards, to ſuch Proteſtant miniſters as labour zealouſly and ſucceſsfully in the converſion of the Roman-Catholick inhabitants of the ſaid Province to the Proteſtant religion, and erecting ſchools for teaching the Engliſh language, building or repairing fortifications or other uſeful publick buildings, widening or repairing publick roads and highways, and the like uſeful purpoſes relating to the ſaid Province of Quebeck. But it ſhall in no caſe be lawful for the ſaid Governour, or Commander in Chief, to iſſue warrants for the payment of any part of the publick Revenue of the ſaid Province, nor for the Receiver-general, or any other officer, of the Revenue in the ſaid Province to pay, by virtue of ſuch warrant, or of any other order whatſoever, any part of the ſaid publick Revenue of the Province, to any perſon not reſiding in the ſaid Province, nor for any purpoſe whatsoever

whatſoever but ſuch as ſhall be expreſſed in an Ordinance of the Governour and Council made and publiſhed for that purpoſe, excepting only the ſalaries and fees of the Governour and other civil officers of the government of the ſaid Province actually reſiding in the ſaid Province.

Ordinances to be signed by the Persons who enact them.

Alſo it is further enacted, that all Ordinances of every kind, whether for iſſuing money, making or introducing laws, or any other purpoſes whatſoever, ſhall be ſigned by the Governour, or Commander in Chief, and the majority of the members of the Council preſent at the time of making them. And theſe original draughts of the ordinances ſo ſigned ſhall be kept among the records of the Council.

FINIS.

The foregoing Tract and Sketch of an act of Parliament were drawn up by me at the deſire of General Carleton, (the Lieutenant-Governour,) and Mr. Hey, the Chief Juſtice, of the Province of Quebeck; and a few copies of it were printed for the inſpection of the Marquis of Rockingham, and Mr. Dowdeſwell, (the Chancellor of the Exchequer,) and General Conway, (the Secretary of State,) and Mr. Charles Yorke, (the Attorney-General,) and Mr. De Grey, (the Sollicitor-General,) and others of his Majeſty's ſervants, who were likely to take a part in procuring for them an act of Parliament to be the ground of their proceedings in the Settlement of the Government of that Province, if ſuch a meaſure had been thought adviſeable. But no copies of it were publiſhed, or ſold. Nor had either General

General Carleton, or Mr. Hey, carefully read and examined every clauſe in the foregoing ſketch of an Act of Parliament for the foregoing purpoſe, and given a deliberate aſſent to it; but they thought that, ſuch as it was, it might be ſufficient to point-out to his Majeſty's Miniſters the ſeveral important ſubjects which they wiſhed to have determined, by the authority of Parliament, before they entered upon the diſcharge of their ſeveral offices in the Province; and the Miniſters might alter and modify the propoſed ſketch of an Act of Parliament in the manner they thought proper, before they brought it into Parliament. But Mr. Yorke, the Attorney-General, was not inclined to bring the ſubject into Parliament; and the other ſervants of the Crown adopted his opinion, and accordingly no bill of the kind here deſcribed was brought into Parliament. The reaſons for their refuſal to employ the Authority of Parliament in this important and difficult buſineſs, I do not know: but I conjecture that it might be, partly, from the fear of engaging in violent debates, that might ariſe from the ſubject, on the extent of the Power of the Crown over conquered and ceded territories, and the effect of the mere conqueſt and ceſſion of them as to the continuance, or diſcontinuance, of the old Laws that had prevailed in them before the conqueſt, and the right of introducing into them either all, or ſome, of the laws of England; and, if only ſome of them, then determining which ſhould be ſo introduced, and which ſhould not,—and as to what degree of indulgence ought to be ſhown to the Roman-Catholicks in the ſaid Province, and whether the Popiſh religion ſhould be only *tolerated* there, by permitting the Roman-Catholicks of the Province to attend Maſs and all the Sacraments and Ceremonies of the

the Church of Rome, or to enjoy and practice *the worſhip* preſcribed by that Religion, (which is all that is granted to them by the Capitulation of the Province with Sir Jeffery Amherſt, in September, 1760; and by the Treaty of Peace between France and England, concluded at Paris, in February, 1763,) or whether the ſaid Popiſh religion ſhould be not only tolerated in the ſaid Province, but *eſtabliſhed* there, by giving the Romiſh Prieſts that officiate in the Province, a legal right to demand their tithes, and other antient dues, by Law, and to ſue for them in the Courts of Juſtice; which has ſince been enacted by the Quebeck-act of the year 1774, though it had been aſked by the French General, the *Marquis de Vaudreuil,* in the Capitulation of September, 1760, but refuſed by the wiſe and cautious Engliſh General, *Sir Jeffery Amherſt;*—and whether it would be expedient to permit a Popiſh French Biſhop to go into the Province, though the Province had done without one for ſix years, or, ever ſince the Surrender of it to General Amherſt, in 1760; the former French Biſhop having died a little before that event; (all which ſubjects might have afforded matter for long and warm debates in Parliament;) and, partly, from an opinion, that they themſelves were not likely to continue long in the great Offices they then held; which opinion was but too well grounded, as they were removed from them about three months after, in the month of July, 1766. They might, alſo, perhaps, think it prudent to obtain more accurate informations concerning the ſtate of the Province, in various important points; ſuch as the number of Engliſh ſettlers there; the number of the French or Canadians, and their inclinations and qualities; the number of the Prieſts, Monks,

and

and Nuns; the number of the pariſhes and the values of the tithes; the ſize and values of the ſeveral Seigniories, and the annual profits of them; and many other ſuch intereſting particulars; before they drew-up a plan to be preſented to Parliament for ſettling their Laws and Government. But the two former reaſons ſeem ſufficient to account for their unwillingneſs at that time to bring the ſubject before the Parliament.

Whoever reads the foregoing ſketch of an Act of Parliament with attention, cannot fail to obſerve that the perſon who drew it up was deſirous of introducing by gentle means the Proteſtant religion amongſt the French, or Canadian, inhabitants of the Province: and he may, in conſequence, be ſomewhat ſurprized that it ſhould contain a clauſe for permitting a Roman-Catholick Biſhop to be ſent into the Province, and to exerciſe his Epiſcopal functions there; which ſeems more likely to prevent, than to encourage, the converſion of the Roman-Catholicks from Popery to the Proteſtant Religion. To remove this ſurprize, I muſt inform my readers that I found that a reſolution had been already taken by his Majeſty's Miniſters of that time to permit a certain Roman-Catholick Prieſt, who had long reſided in the Province of Quebeck; (though he was not a native of it, but of the Province of Britany in Old France,) to come from Quebeck to England, in the winter of the foregoing year, 1765; and to go-over to the North of France, in the month of January, or February, 1766, in order to be conſecrated by some Biſhops in France, as Biſhop of Quebeck; which ceremony of Conſecration was (as I was told,) performed at the City of *Amiens* in *Picardy*. And it was agreed amongſt the King's Miniſters of that time, that he ſhould be permitted to return to Quebeck in the

the ſpring of the ſame year, 1766, to exerciſe his Epiſcopal functions in the Province, as Biſhop of Quebeck. His name was *Olivier Briand*, or *Oliver Briand*; and he was a well-sized, comely, man, of about 50 years of age, of eaſy and agreeable manners, and ſaid to be a man of ſober and regular life, and unimpeached morals. And he accordingly went to Quebeck in the ſaid ſpring of the year 1766, and lived there many years in the exerciſe of his office of Biſhop of Quebeck; but, as I am informed, has been dead now ſeveral years, and has been ſucceeded by another Popiſh Biſhop. Now, as this meaſure of permitting *Mr. Oliver Briand* to go to Quebeck, in the character and ſtation of a Biſhop, and to exerciſe his Epiſcopal functions there, was already agreed-to by his Majeſty's Miniſters, I thought it better to have it done openly by the Supreme Authority of Parliament, than privately and almoſt clandeſtinely, by the mere connivance of the Miniſters of State, in oppoſition to the above-mentioned, important, and fundamental, Statute of Queen Elizabeth, which prohibits all exerciſe of the Pope's authority, or of any authority derived from the Pope, (as that of a Popiſh Biſhop is expreſsly,) not only in the kingdom of England itſelf, and the dominions then belonging to the Crown, but in all the dominions that ſhould belong to the Crown *in any future times*. And this muſt be my excuſe for inſerting in the foregoing ſketch of an Act of Parliament the Clauſe for permitting a Popiſh Biſhop to exerciſe his Epiſcopal functions in the Province of Quebeck. For, as for the meaſure itſelf, "of permitting a Popiſh Biſhop to reſide there," I never could approve of it, nor, if I had been one of his Majeſty's Miniſters, whoſe conſent had been neceſſary to it's adoption, would I ever have conſented to it.

I have

I have juſt now ſaid, that this permiſſion to Mr. Briand, to reſide in the Province of Quebeck, as Biſhop of the Dioceſe, was given only *by the connivance* of his Majeſty's Miniſters of ſtate of that time, becauſe I never could find that there was any patent, or warrant, under his Majeſty's Signature, or any of his Seals, that gave him the title of *Biſhop of Quebeck*, or, authoriſed him to ordain Prieſts, or execute any one of his Epiſcopal functions, but only an inſtruction either to the Governour or the Receiver General of the Revenue, (I forget which), in which he is called *Super-intendant of the Clergy*, with an order, (if I remember right,) to pay him the moderate ſum of 200l. a year, for his ſupport. And, perhaps, the unwillingness of his Majeſty's Miniſters to have this meaſure "of permitting a Popiſh Biſhop to reſide in the Province," publickly diſcuſſed, might be an additional reaſon to the two already mentioned, for their not chuſing at that time to bring the ſettlement of the Laws and Government of the Province under the conſideration of Parliament.

I was told at the time, by Mr. Fowler Walker, (a Barriſter at Law, who practiſed with ſucceſs and reputation in the Court of Chancery, and, who was well acquainted* with the then ſtate of the Province of Quebeck,)

* This Gentleman had been employed, by the agents of several of the English and Scotch merchants that were settled in the Province of Quebeck, in drawing-up and conducting their complaints to the King in his Privy-Council, against the late General James Murray, (then Captain-General and Governour in Chief of the Province of Quebeck,) for several acts done by him in his first office of Military Governour of the Province, as Commander in Chief of the Troops that were

beck,) that this permiſſion, thus granted by connivance, to *Mr. Oliver Briand*, to return to Quebeck, in the character of Biſhop of the Province, was obtained from his Majeſty's Miniſters of State at that time, and particularly from the Marquis of Rockingham, (who was conſidered as the principal Miniſter,) by the influence of the late celebrated Mr. Edmund Burke, who was at that time his Lordſhip's private Secretary, and who had then acquired, and ever after retained, a very great degree of his confidence. And I am much inclined to believe this to have been the caſe. For, otherwiſe, it ſeems ſomewhat ſurpriſing that, that reſpectable Nobleman, who, had been placed at the head of the Whig Party, and had been earneſtly ſolicited and preſſed, by the then Duke of Newcaſtle, (who thought himſelf too old to return again into that active and important ſtation,) to accept the Office of Firſt Commiſſioner of the Treaſury, almoſt againſt his will, and who, therefore, might be ſuppoſed to entertain the ſentiments that had always heretofore been profeſſed by that party, and conſequently to have conſidered *Popery* and *Slavery* as the two grand objects of fear and abhorrence to all true Engliſh Patriots, againſt

quartered in it, during the years 1761, 1762, and 1763, and of ſome few acts done by him afterwards in his ſecond office of Captain-General and Governour in Chief of the Province, in the years 1764 and 1765, which they alledged to be illegal and injurious to them; and by his converſations with theſe agents and with the merchants of London who were the correſpondents of the ſaid complainants, concerning the grounds, and proofs, and circumſtances, of the Acts complained-of, he had acquired a more intimate knowledge of the ſtate of the Province, and all that was done and doing in it at that time, than any other perſon that I then converſed-with. F. M.

the

the return of which, into the Laws and Government of the Nation, it was their duty to provide by every poſſible precaution; — I ſay, it ſeems very ſurpriſing, and almoſt unaccountable, that the great Leader of the Whig Party, ſhould have conſented to a meaſure ſo different from the former meaſures of that Party as this permiſſion of a Popiſh Biſhop to exerciſe his Epiſcopal functions, in the now Engliſh Province of Quebeck, in direct oppoſition to the above-mentioned Statute of the firſt year of Queen Elizabeth. But the influence of Mr. Burke over the Political conduct of this worthy Nobleman is ſaid to have been almoſt unbounded.

And, here, perhaps, it will be aſked, How came Mr. Burke to give ſuch advice, and intereſt himſelf ſo much in ſupport of Popery? was he not himſelf a Proteſtant, and had he not always been educated in the Proteſtant Religion? or was there any truth in a report that was frequently mentioned in converſation, and even publiſhed in News-papers, concerning him, namely, that he had been educated in a College of Jeſuits, at Saint Omer's, in Flanders; and afterwards, when come to Man's eſtate, had quitted the Church of Rome, and adopted the Proteſtant religion, the better to advance his fortune in the world?—In anſwer to theſe queſtions, I muſt declare that I believe he was educated in the Proteſtant religion, and always continued in it, and that the report of his having been educated in a College of Jeſuits, at Saint Omer's, in Flanders, was entirely groundleſs. And of this I am the more aſſured from having had in my poſſeſſion for a year, or more, about three years ago, a ſet of Letters of Mr. Burke, in his own hand-writing, written for the moſt part, in the year 1748, when he was only twenty

years of age, and when he was still a ſtudent in Trinity College, in Dublin; which he could not have been, unleſs he had been a Proteſtant. The greater part of theſe Letters were written to a young friend of nearly his own age, of the name of *Shackleton*, who was the ſon of a reſpectable Proteſtant School-maſter to whom Mr. Burke had been a ſcholar before he was removed to the Univerſity of Dublin. The letters are written in a ſtyle of cordial friendſhip and affection for his correſpondent, and relate moſtly to claſſical learning and fine writing, without any mention of the Roman-Catholick religion; and they ſhew that Mr. Burke at that time was ambitious of making a figure in the world as an elegant writer of Moral Eſſays, or Periodical Papers, ſuch as *the Spectator* and the *Guardian*, after the example of Mr. Addiſon and Sir Richard Steel. And, indeed, it appears, that he and one, or two, of his young friends at Dublin College, did actually ſet-up a periodical paper of that kind in Dublin, but which was not continued for more than a few months. Theſe letters were lent me by the reverend Dr. William Hales, D. D., rector of Killesandra, in the biſhoprick of Meath, in Ireland, and were afterwards returned, according to his direction. They contain nothing very curious, or intereſting, that might make it of importance to publiſh them; but they do honour to Mr. Burke's memory, as they ſhew him to have been a friendly, open-hearted, well-diſpoſed young man, with an ardent love of elegant learning, and a laudable deſire of diſtinguiſhing himſelf in the cultivation of it: and they prove, beyond a doubt, the falſehood of the story of his having been educated at the Jeſuit's College of St. Omer's. But it is, nevertheleſs, certain, that Mr. Burke, in the ſubsequent part of his life, became (though not perhaps a papiſt,) a great

great *Philo-papist* (if I may be allowed to uſe that expreſſion,) or favourer and protector of Papiſts, and a great enemy to all the Laws both in Great-Britain and Ireland that had been made from time to time to prevent them from renewing their repeated attempts to deſtroy the Government in both countries, to which the principles of their religion continually excited them: for *that* was the only ground upon which any of thoſe reſtraining and diſabling Acts of Parliament had been paſſed. And Sir Richard Muſgrave, in his faithful Hiſtory of the ſeveral rebellions in Ireland, informs us, in page 35, that, the firſt publick proof of this favourable diſpoſition of Mr. Burke towards Popery, was given by him in the year 1762, or the ſecond year of the reign of his preſent Majeſty, when Mr. Burke was 34 years of age, and had been married for ſome years to an excellent and amiable young Lady, who had been educated in the Roman-Catholick Religion. Sir Richard ſpeaks with ſo much candour of Mr. Burke, and with ſo much reſpect for his uncommon talents and attainments in Political knowledge and wiſdom, that I ſhall here inſert all he ſays upon the ſubject, and even the whole Section of his work in which he ſpeaks of him, which, is intitled, "*Origin of the White Boys.*"

"ORIGIN

OF

THE WHITE BOYS."

An Extract from Sir RICHARD MUSGRAVE'S *Memoirs of the Different Rebellions in Ireland, pages 32, 33, 34,——46.*

"IN the year 1759, and under the adminiſtration of the Duke of Bedford, an alarming ſpirit of inſurgency appeared in the South of Ireland, which manifeſted itſelf by the numerous and frequent riſings of the lower claſs of Roman-Catholicks, dreſſed in white uniforms, whence they were denominated *white-boys*; but they were encouraged, and often headed, by perſons of their own perſuaſion of ſome conſideration. They were armed with guns, ſwords, and piſtols, of which they plundered the proteſtants, and they marched through the country, in military array, preceded by the muſick of bag-pipes, or the ſounding of horns. In their nocturnal perambulations, they enliſted, or preſſed into their ſervice, every perſon of their own religion, who was capable of ſerving them, and bound them by oaths of ſecrecy, of fidelity, and obedience to their officers; and thoſe officers were bound by oaths of allegiance to the French King, and Prince Charles, the Pretender to the Crown of England; which appeared by the confeſſion and the information of ſeveral of the inſurgents, ſome of whom were convicted of high treaſon, and various

other

other crimes. The pretext they made uſe of for riſing and aſſembling was, to redreſs the following grievances: The illegal encloſure of commons, the extortion of tythe-proctors, and the exorbitant fees enacted by their own clergy, though it appeared that they were deeply concerned in encouraging and fomenting them, in the commiſſion of outrages.

"They committed dreadful barbarities on ſuch perſons as heſitated to obey their mandates, or refuſed to join in their confederacy; they cut-out their tongues, amputated their noſes or ears; they made them ride many miles in the night on horſeback, naked and bare-backed; they buried them naked, in graves lined with furze, up to their chins; they plundered and often burned houſes; they houghed and maimed cattle; they ſeized arms, and horſes, which they rode about the country, and levied money, at times even in the day. I ſhall refer the reader to Appendix, No. I. for their deſigns and practices.* They reſembled the modern defenders in every reſpect, except in the title which they aſſumed; and their object was exactly the ſame, that of ſubverting the conſtitution, and ſeparating Ireland from England, with the aſſiſtance of France.

"Theſe miſcreants became ſo formidable in many parts of the Provinces of Leinſter and Munſter, that many laws, which I ſhall explain in the ſequel, were enacted for their ſuppreſſion.

"In the year 1762, the Marquis of Drogheda was

"* There is a gross misrepresentation of these Insurgents in the Encyclopædia Britannica, under the title of Ireland, printed by James Moore in College-green, in the year 1790.

ſent to command a large diſtrict in the Province of of Munſter, and made Clogheen in the County of Tipperary, his head-quarters; at that time much diſturbed by the white boys, who uſed to assemble in bodies of from five hundred to two thouſand.

"On the night of the day on which he arrived at Clogheen, a number of white boys, well-armed and headed by Father Nicholas Sheehy, aſſembled cloſe to that town, and were on the point of attacking it, which induced his Lordſhip to double the guard. From this, the inhabitants of it, having a ſuſpicion that he was going to march-out againſt the inſurgents, Father Doyle, pariſh-prieſt of Ardfinnan, (alluded to in the information of David Landregin, Appendix No. I. 2.) after having expoſtulated with them on the danger of aſſaulting the town, went to Lord Drogheda, pale and trembling with fear, aſſured his Lordſhip that his garriſon was in no danger, and beſought him not to march-out against the inſurgents. I received this information from the Marquis himſelf, and it correſponds exactly with the depoſition of Landregin.

"His Lordſhip's regiment killed great numbers of them, in that and the adjacent country; and he aſſured me, that French money was found in the pockets of ſome of them.

"His Lordſhip, during his reſidence there, took the famous Father Nicholas Sheehy, who was afterwards hanged at Clonmel. He had been a noted leader of the White-boys, and incited them to commit murder, and various outrages; and yet his memory is held in ſuch veneration by the popiſh multitude, and the clay of his tomb is ſuppoſed to be endued with ſuch ſupernatural powers, that various miraculous cures are imputed

puted to it; in conſequence of which, it is in ſuch requeſt among the popiſh rabble, that the ſexton of the church, where the body was interred, is obliged very often to renew it.

"The Marquiſs of Drogheda took, in the Caſtle of Cahir, the domeſtick chaplain of the then Lord Cahir, who conſtantly reſided with his Lordſhip, on ſerious charges againſt him for high treaſon.

"It is moſt certain, that the *white-boy* ſyſtem was at firſt formed to co-operate with the French, who meditated an invaſion of Ireland under Conflans; but when that was defeated, and even during a time of profound peace, the barbarous rabble, free from all moral reſtraint, elate with the hope of plunder, and fraught with diſaffection to a Proteſtant ſtate, continued to commit the moſt horrid enormities in many parts of Leinſter and Munſter, for above twenty-five years after.

"John Twohy ſtates in his information, that they begun to enliſt men for the French ſo early as the year 1756. See Appendix, No. I. 7.

"At firſt they were headed, marſhalled, and diſciplined, by officers who had ſerved in the Iriſh brigades, in the French ſervice; but when peace was concluded, their leaders conſiſted of popiſh farmers and perſons in a mean ſituation.

"Mr. Conway, an Iriſh Roman-Catholick gentleman, reſident at Paris, uſed to remit money to them, on the part, and by the orders, of the French Government; and ſome popiſh merchants, of the province of Munſter, who received and diſtributed it among the inſurgents, were afterwards Members of the Catholick Committee in 1792.

"In the year 1762, they committed ſuch dreadful exceſſes

exceſſes in the South of Ireland, that Sir Richard Aſton, Lord Chief Juſtice of the Common Pleas, was ſent down with a ſpecial commiſſion to try them: and the miſtaken lenity which he ſhewed them, in the courſe of his circuit, was ſuch, that it encouraged them to perſevere in the commiſſion of enormities for ſome years after.

"The late Earl of Carrick and the Reverend Mr. Hewetſon, in the County of Kilkenny, Sir Thomas Maude, Baronet, (afterwards Lord de Montalt,) William Bagwell and John Bagenall, Eſquires, of the County of Tipperary, took a very active part in ſuppreſſing the White Boys; for which they were as much traduced and vilified as the Orange-men, yeomen, and all loyal ſubjects, who endeavoured to put down the defenders.

"The Grand Jury of the County of Dublin were ſo much incenſed at this, that they voted an addreſs of thanks, Appendix I, 6. to the Earl of Carrick, and thoſe gentlemen, for their ſpirited and laudable exertions. It appears by the examination of David Landregin, (Appendix No. I. 2.) that a party of White Boys took a ſolemn oath, in the Town of Clonmel, to aſſaſſinate the Earl of Carrick and the other gentlemen.

Of Mr. Edmund Burke.

"As Mr. Edmund Burke, who always ſhewed a decided attachment to Popery, manifeſted it for the firſt time on this occaſion, I ſhall, in touching on it, relate a few of the early circumſtances of his life.

"In doing ſo, I muſt premiſe, that I do not mean to diſparage him. I had the honour of being acquainted with him; and I was ſo ſenſible of his exalted moral and intellectual excellence, that I gave the following character of him in a pamphlet publiſhed in London

by

by J. Stockdale in 1794, which was noticed in the Monthly Review of April, 1795:

"'His book on French affairs contains more political wiſdom, and more profound knowledge of practical government, than any that ever appeared; and in future ages will tend to endear the Britiſh conſtitution to its ſubjects.' Of his excellent Book on the French Revolution.

"'The bright effulgence of his genius, like the ſun, raiſed-up ſome buzzing inſects, who cavilled at the doctrines which he advanced; but the ſtate of France proves the futility of their aſſertions, and that he ſpoke prophetic truth.

"'His long and luminous life, devoted to the cauſe of wiſdom and virtue, was more bright in its ſetting, than the meridian blaze of moſt other geniuſes.'

"He was the ſon of a popiſh Solicitor in Dublin, at the Univerſity of which he received his education; but I have been aſſured by his contemporaries, that he did not, in the courſe of it, diſplay any ſymptoms of thoſe ſhining abilities, which afterwards made the progreſs of his life ſo brilliant.

"Soon after he went to the Temple to ſtudy the law, he married a daughter of Doctor Nugent, who had been bred at Doway, in Flanders, and was a moſt bigotted Romaniſt. A year after he had gone to the Temple, Mr. Griffith, who was at that time ſerving his apprenticeſhip to Mr. Burke's father, informed me, that his maſter ſent him to London, relative to ſome law-buſineſs, and that Mr. Edmund Burke detained him many days longer than he had permiſſion to remain there: that during his ſtay, he ſeemed much agitated in his mind, and that, when they were alone, he frequently introduced religion as a topick of converſation,

verſation, and ſaid, that he had ſtrong reaſons for thinking more favourably of the Romiſh perſuaſion than he formerly did. For theſe reaſons, this gentleman aſſured me, he verily believed, that he was become a convert to Popery.

"Soon after this gentleman's return, Mr. Burke, ſenior, having heard a report that his ſon had really changed his religion, was much concerned at it; becauſe he had entertained the moſt ſanguine hopes that he would acquire great wealth and fame at the Iriſh bar, from practiſing at which Romaniſts were excluded by law.

"He therefore employed Mr. Bowen, his brother-in-law, who, as a linen merchant, had a very extenſive correſpondence in London, to make ſtrict enquiry about the converſion of his ſon.

"Some days after, Mr. Bowen entered his office, and in the preſence of the gentleman who gave me this information, threw him a letter, ſaying, 'There, your ſon is moſt certainly become a Roman-Catholick.' On reading the letter, Mr. Burke became furious, lamenting that the riſing hope of his family was blaſted, and that the expence he had been at in his ſon's education was now thrown-away.

"As ſome of the greateſt men, even at an advanced period of life, have become ſlaves to the paſſion of Love, it is very poſſible that Mr. Burke, in the ſpring of life, when its influence is irreſiſtible, and endued with a lively imagination, and all the tenderneſs of ſenſibility, might have conformed to the exterior ceremonies of Popery, to obtain Miſs Nugent, of whom he was very much enamoured; but it is not to be ſuppoſed, that a perſon of ſo vigorous and highly-cultivated an underſtanding,

ſtanding, could have continued under the ſhackles of that abſurd ſuperſtition.

"At laſt, when he had ſerved a ſufficient number of terms to be called to the bar, he refuſed to return to his native country, declaring, that the climate of it diſagreed with him; and that he expected to get ſome employment in the line of his profeſſion in America, through one of the Grenville family. He therefore remained in London, where he ſubſiſted chiefly by his pen, and he ſoon acquired a conſiderable degree of celebrity, as a writer, and a man of genius, by his publication of his Treatiſe on the Sublime and Beautiful, and by his Vindication of Natural Society, in imitation of Lord Bolingbroke, which introduced him to the notice and acquaintance of Mr.* Hamilton. When that gentleman came to Ireland, as Secretary to the Earl of Halifax, he, wiſhing to avail himſelf of Mr. Burke's talents, ſolicited him to attend him, but in no official capacity; and he accordingly complied.

"He accompanied him a ſecond time to Dublin, when Mr. Hamilton was Secretary to the Earl of Northumberland; and was rewarded with a penſion of 300l. a-year.

"When they returned to England, Mr. Hamilton intended to have ſpoken a ſpeech on the peace in the year 1763, which he had prevailed on Mr. Burke to compoſe.

"It unfortunately happened, that, as he was about to riſe, Mr. Charles Townſhend entered the houſe; and, as his wit and eloquence had been always terrifick to him, his appearance palſied his exertions, and ſtruck him dumb. Mr. Burke, enraged at this, (as they had united their talents in a kind of partnerſhip) ſaid, with

"* William Gerrard Hamilton, Eſq.

ſome

ſome warmth, 'What ſignifies my making ſpeeches for you, when you cannot ſpeak them?'

"A warm altercation enſued, in the courſe of which Mr. Hamilton informed Mr. Burke, that he had been overpaid; on which Mr. Burke, with becoming ſpirit, reſigned his penſion, which was afterwards given to a gentleman who enjoys it at this time. Mr. Mc. Cormick, in his Life of Mr. Burke, is miſtaken in this circumſtance. Their quarrel became a matter of curioſity and debate, in the ſuperior circles of ſociety, in which the partizans on each ſide were very warm.

"The diſcuſſion of this affair introduced Mr. Burke to the notice of Lord Rockingham, who having formed a friendſhip for him, made him an under-ſecretary in the Treaſury; but having loſt that employment in ſix months, the period of his lordſhip's adminiſtration, he brought him into Parliament, where the eloquence and the great intellectual powers diſplayed in his ſpeeches, will remain a ſtriking and an eternal monument of his genius.

"When the enormities committed by the White Boys were about to draw on them the vengeance of the law, and ſome time before Sir Richard Aſton proceeded on his commiſſion to try them, Mr. Edmund Burke ſent his brother Richard, (who died Recorder of Briſtol,) and Mr. Nagle, a relation, on a miſſion to Munſter, to levy money on the Popiſh body, for the uſe of the White Boys, who were exclusively Papiſts.

"Some Roman-Catholicks complained bitterly of the ſums of money which they extorted from them. * The

deſpotism

"*I have no other proof that these gentlemen were employed by Mr. Burke, than that they declared so without reserve to the persons from whom they obtained money. In doing so,

he

deſpotiſm which the Romiſh prelates have over their own body is ſuch, that they can at any time levy large ſums of money on them, to promote the intereſt of their Church, which is a moſt dangerous engine in a well-goverened ſtate. The open and general exerciſe of it in the years 1792, and, 1793, and again in 1794 and 1795, was ſufficient to create an alarm in the Government. At thoſe periods, ſome of the lower claſſes of people in Munſter complained loudly of the exactions practiſed on them; and, on being aſked, for what purpoſe they were? they anſwered, that they had made that enquiry, and were informed, at one time, that it was to obtain for them the elective franchiſe; at another, to procure the privilege of ſitting in Parliament for perſons of their own perſuaſion. It is well known that Mr. William Todd Jones was their warm partizan while in the Houſe of Commons*; and, from the imtemperate zeal with which ſome members of that body ſhowed in promoting their deſigns, it was univerſally believed that they were actuated by ſiniſter motives.

"It was ſtrongly ſuſpected, that a perſon in an elevated ſituation in England, from his ſingular pertinacity in adhering to their cauſe, when in actual and open rebellion, had received ſome of their contributions; and the debates which took place in the Romiſh Convention in the year 1792, and which the reader will ſee in the ſequel, and the ſudden, ſucceſsful, and

he might have been actuated by motives of charity and humanity.

"* Mr. Jones afterwards accuſed, in the publick prints, the Catholick Committee, of not giving him the whole of the money which they had promised to pay him.

unexpected

unexpected turn which their affairs took in the year 1793, left very little room to doubt, but that ſome extraordinary ſecret influence was exerted in England *.

"In the year 1757, there appeared a very ſingular and unqueſtionable proof that thoſe doctrines of the Romiſh Church, which had diſturbed the peace of many proteſtant countries ever ſince the Reformation took place, exiſted in full force in Ireland.

"In that year, a bill was introduced into the Houſe of Lords, to ſecure the Proteſtant ſucceſſion; in which there was an oath of allegiance.

Objection of the Popiſh Biſhop of Oſſory to taking an oath of allegiance to King George the third.

"Thomas Burke, titular Biſhop of Oſſory, and publick hiſtoriographer to the Dominican Order in Ireland, made the following obſervations on that oath. After animadverting on the ſeverity of ſetting aſide the different foreign branches of the Stuart family, he ſays, "Would it not exceed the greateſt imaginable abſurdity, that a Catholick Prieſt, who inſtructs his Catholick people in the will of God, from ſcripture and tradition, by his diſcourſe and actions, and nouriſheth them with the Sacrament of the Church, ſhall ſwear fidelity to King George, as long as he profeſſeth a heterodox religion, or has a wife of that religion; that then, and in that caſe, the ſame Catholick Prieſt ought inſtantly to abjure the very King to whom he had before ſworn allegiance." Impiety moſt horrible †!

"Thomas Burke was made Titular Biſhop of Oſſory in 1759, and died at Kilkenny in September 1776. He was, as he frequently tells us, a favourite of Pope Benedict XIV., was a man of reſpectable learning, and

"* It cannot be ſupposed that I allude to any of his Majesty's Ministers, whose honour and integrity are far above my praise.

"† Hibernica Dominicana, page 723.

perfectly

perfectly well acquainted with the doctrines of the Romiſh Church, the bulls and epiſtles of the Popes, and the ſentiments of the Iriſh Roman-Catholicks; and yet ſome of the heads of the Iriſh Clergy have had the effrontery and duplicity to vilify the talents and information of this writer, and to repreſent him as a dotard, haunted with dreams of pontifical omnipotence. But ſuch perverſion of truth, and ſuch varniſhing of odious doctrines, are only calculated to deceive, and can impoſe on no rational man; for all the tenets contained in his book were carried into practice during the late rebellion.

"Burke, after reciting part of Pope Paul V.'s bull, encouraging the Iriſh in the rebellion, exclaims, Quid celebrius? Quid inſignius *?

"On the flight of King James II. he ſays, that he ſeaſonably left the Britiſh nation, whom he brands as perjurers and traitors, who conſpired againſt his life, ſubject to the ſlavery of this new Cromwell (meaning King William,) *vilissimi novi hujus Cromwelli servitute.*

"The firſt part of his *Hibernica Dominicana* was printed at Kilkenny, in the year 1762, the ſecond in 1772, both by Edmund Finn; but it was ſtated to have been publiſhed at Cologne, *Coloniæ Agrippinæ.*

"In ſpeaking of the Gun-Powder-Plot, he ſays, it was an invention, and that the gun-powder was ſecretly put under the Parliament-Houſe, by the order of Sir William Cecil, to afford a ſpecious pretext for extirpating all the Catholicks of England.

"Again, in the year 1768, when an oath of allegiance to be taken by the Roman-Catholicks of Ireland, was

* What can be more famous? What more illuſtrious?

in the contemplation of Parliament, Thomas Maria Ghillini, the Pope's legate at Bruſſels, who had a complete controul and ſuperintendance over all the northern churches, and ſpoke *ex cathedrâ*, made the following animadverſions on that oath, in four letters to the Titular Archbiſhops of Ireland; and theſe letters are ſtyled by Thomas Burke, (who publiſhed them in his Hibernica Dominicana,) *literæ verè aureæ cedróque dignæ.*

"The legate treats the clauſes in the propoſed oath, containing a declaration of abhorrence and deteſtation of the doctrines, "that faith is not to be kept with hereticks; and that Princes, deprived by the Pope, may be depoſed or murdered by their ſubjects," as abſolutely intolerable; becauſe, he ſays, thoſe doctrines are defended and contended-for by moſt Catholick nations, and the Holy See has frequently followed them in practice. On the whole he decides, that, as the oath is in its whole extent unlawful, ſo in its nature it is invalid, null, and of no effect; inſomuch that it can by no means bind or oblige conſciences*."

N. B.

"It is well known, that ſimilar deciſions have been uniformly made by the Roman pontiffs, on the validity of oaths any way detrimental to the Holy See. In the late rebellion, the Popiſh multitude, and many of the Romiſh clergy and gentlemen, paid no regard whatever to the oath of allegiance.

N. B.

"When the Emperor and the Roman-Catholick Princes of Germany concluded a peace called the Treaty of Weſtphalia, in the year 1648, with the Proteſtant Princes, they mutually bound each other by a

* Page 925. This was in the ſupplement of that work publiſhed in the year 1772.

ſolemn

ſolemn oath, to the obſervance of it; on which the Pope publiſhed a flaming bull, in which he pronounced the oath to be null and void, as no oath could bind them to hereticks. This bull was expoſed by Hornbeck, a famous German divine, in a work entitled, "*Examen bullæ papalis, quâ Innocentius X. abrogare nititur pacem Germaniæ.*"

"The conduct of the Parliament of Ireland, from the beginning of his preſent Majeſty's reign, till the end of the year 1793, preſents the reader with an uninterrupted ſeries of blunders in politicks.

"All our diſgraces and misfortunes are to be found in the hiſtory of our penal laws, and in the feeble execution of them, beginning with the third of George III. cap. 19. for indemnifying all ſuch perſons as have been, or ſhall be aiding in the diſperſing of riots, and apprehending the rioters, which was enacted for the ſuppreſſion of the White-boys. As the boldneſs and temerity of theſe inſurgents continued to encreaſe, the fifth of George III. cap. 8. paſſed, and was entitled, "An Act to prevent the future tumultuous riſings of perſons within this kingdom." The want of enforcing the ſalutary proviſions of theſe laws tended to encourage the White-boys in the commiſſion of atrocities for above twenty years after. About the year 1773, that ſyſtem of conciliation and conceſſion, which laid the foundation of the late rebellion, began; for, while this Popiſh banditti, encouraged by their clergy, were committing the moſt dreadful enormities, the thirteenth and fourteenth of George III. cap. 35, to enable Roman-Catholicks to teſtify their allegiance to his Majeſty by oath, was enacted; but the folly and abſurdity of that law were fully proved by the neceſſity of paſſing, ſoon after, the thirteenth and fourteenth of

George III. cap. 45. to prevent malicious cutting and wounding, and to puniſh offenders, called *chalkers;* for the aſſaſſin in the morning teſtified his allegiance to his King, and at night, with his chalking knife, renounced his allegiance to his God, by mangling and maiming his fellow-creature, and houghing his cattle.

"As the barbarous exceſſes committed by the White-boys continued to encreaſe, the fifteenth and ſixteenth of George III. cap. 21. was enacted againſt them. It recites that the fifth of George III. cap. 8. was inſufficient for ſuppreſſing them; and it ſtates, "That they aſſembled riotouſly, injured perſons and property, compelled perſons to quit their abode, impoſed oaths and declarations by menaces, ſent threatening and incendiary letters, obſtructed the export of corn, and deſtroyed the ſame." This is an exact deſcription of the defenders.

"As their turbulence and ferocity continued to encreaſe, and as they made a conſtant practice of houghing ſoldiers in a wanton and unprovoked manner, the chalking act was extended, and amended by the ſeventeenth and eighteenth of George III. cap. 49.

"Conceſſion and conciliation holding pace with an encreaſe of the enormities committed by thoſe ſavages, a law paſſed ſoon after, the ſeventeenth and eighteenth of George III. cap. 49. to enable Roman-Catholicks to take leaſes for nine hundred and ninety-nine years, or five lives, at any rent; and by it, all lands of which a Roman-Catholick was at that time ſeized, were made deſcendible, deviſable, and transferable, as fully as if the ſame were in the ſeiſin of any other perſon.

"The preamble of this act recites, 'That for their uniform peaceable behaviour, for a long ſeries of years,

years, it appears reaſonable and expedient to relax ſeveral of their incapacities and diſabilities.' The falſity and inconſiſtency of this aſſertion will be an eternal ſtain on the Parliament of Ireland.

"There is no doubt, but that the Romaniſts had ſome hired agents in that aſſembly at this period. A ſtrong argument in favour of an Union!

"As a mark of gratitude for theſe indulgencies, this infamous banditti proceeded to commit greater enormities than they had practiced before, in conſequence of which the legiſlature were obliged to paſs the eighteenth and nineteenth of George III. cap. 37. and the title of it will ſhew how neceſſary it was: 'An Act to prevent the deteſtable practice of houghing cattle, burning houſes, barns, haggards, and corn; and for other purpoſes.'

"Though they continued to commit their uſual exceſſes, the legiſlature, actuated by what was called *Liberality of ſentiment*, put the Roman-Catholicks on the ſame footing with Proteſtants, as to property, in the year 1782; and almoſt the whole of the reſtrictive laws were repealed. The volunteers checked, in ſome degree, the barbarous outrages committed by the White-boys, from the year 1780 to the year 1784, when the inſtitution began to languiſh; and then we find them as furious as ever in the province of Leinſter. This proves how neceſſary a numerous and well-armed police, conſiſting of proteſtants, is to the proſperity of Ireland.

"In December, 1784, a body of White-boys broke into the houſe of John Maſon, a Proteſtant, in the county of Kilkenny, in the night, placed him naked on horſeback, and having carried him in this manner five or ſix miles from his houſe, they cut-off his ears,

and in that ſtate buried him up to his chin; they alſo robbed him of his fire-arms*.

"This year they were ſo outrageous in the Province of Leinſter, particularly in the County of Kilkenny, that a denunciation was read againſt them in all the Popiſh chapels in the dioceſe of Oſſory, on the ſeventeenth of November, 1784.

"This was a ſtrong proof of the returning loyalty and obedience to the laws of the Popiſh clergy of that dioceſe; or, if they were inſincere and ſecretly encouraged the White-boys as much as formerly, of their extreme duplicity.

"As Doctor Butler, brother of Mr. Butler of Ballyragget, and of the noble houſe of Ormond, was at that time titular Archbiſhop of Caſhel, a gentleman who was ſincerely loyal, it is very likely that he prevailed on his clergy to adopt this procedure. He ſhould not be confounded with Doctor Butler, who was in that See when the White-boys began their exceſſes.

"All theſe privileges were granted with a good grace by Parliament, and they met with no oppoſition from the conſtituent body, who were at that time exeluſively Proteſtants.

"Notwithſtanding ſuch liberality on the part of the Proteſtant ſtate, the White-boys ſtill continued to commit nocturnal depredations in different parts of Leinſter and Munſter,; but in the latter they were ſucceeded by a ſet of inſurgents called Right-boys in 1786, who reſembled them in every reſpect, except in the title which they aſſumed. Their proceedings, chiefly directed againſt the Proteſtant clergy, were not

* See Appendix, No. 1. 8. for a few ſpecimens of White-boy atrocity.

the

the wild and extravagant efforts of raſh and ignorant peaſants, but a dark and deep-laid ſcheme, planned by men ſkilled in the law and the artifices by which it might be evaded. Such men ſuggeſted to the farmers, to enter into a combination under the ſanction of an oath, not to take their tythes, or to aſſiſt any clergyman in drawing them.

"Some of the Proteſtant gentlemen hoping to exonerate their eſtates of tythes, by the machinations and enormities of theſe traitors, ſecretly encouraged them; and others connived at their exceſſes, till they began to oppoſe the payment of rent, and the recovery of money by legal proceſs; and then they came forward in ſupport of the Law.

"A form of a ſummons to the clergy to draw their tythe, penned with legal accuracy, was printed at Cork, and circulated with great diligence through many parts of Munſter. In order to make the combination univerſal, ſome of the moſt active and intelligent members of it adminiſtered oaths to all the lower claſs of people, at the Romiſh Chapels and market-towns.

To varniſh over the knavery and turpitude of their deſigns, they publiſhed a tything-table, according to which they pretended that they would pay the clergy; but to which they did not adhere; and, if they had done ſo, it would not have afforded them a ſubſiſtence. Beſides, by ſwearing not to hire horſes to them, and by a great number of them combining to ſever the tythe, and draw their corn, on the ſame day, they completely robbed them of their property; and the Proteſtant clergy would actually have ſtarved, but that an Act of Parliament paſſed in the year 1787, to enable them to

recover the tythes of which they had been defrauded in this manner.

"At laſt, the Proteſtant clergy in the County of Cork were ſo much intimidated by the menaces and inſults which they received from them, that many were obliged to fly to the City of Cork for protection. Theſe traitors ſoon proceeded from one act of violence to another, and eſtabliſhed ſuch a ſyſtem of terror, that landlords were afraid to diſtrain for rent, or to ſue by civil proceſs for money due by note. They took arms from Proteſtants, and levied money to buy ammunition. They broke open goals, ſet fire to hay and corn, and even to houſes, eſpecially to thoſe occupied by the army. At laſt they had the audacity to threaten the Cities of Limerick and Cork, and the Town of Ennis, the capital of Clare, with famine; and took meaſures to prevent farmers and fiſhermen from conveying ſupplies of proviſions to them. They proceeded by ſuch a regular ſyſtem, that they eſtabliſhed a kind of poſt-office, for communication, by which they conveyed their notices with celerity for the purpoſe of forming their meetings, which were frequent and numerous.

"This ſpirit of riot and inſurrection occaſioned the paſſing of a law in the year 1787, drawn by the preſent lord Clare, entitled, "An Act to prevent tumultuous riſings and aſſemblies, and for the more effectual puniſhment of perſons guilty of outrage, riot, and illegal combination, and of adminiſtering and taking unlawful oaths;" and in the formation of that law, he ſhewed the ſame political wiſdom, and firmneſs of mind, which he evinced on all ſubſequent occaſions. By that law Government were empowered to raiſe an armed police in any county they choſe; and the introduction

introduction of it into the Counties of Kilkenny, Tipperary, Cork, and Kerry, occaſioned ſuch a revolution in the morals and manners of their inhabitants, and was ſo efficient in preſerving ſocial order, that ſome of the principal landholders in them declared openly in Parliament, that their eſtates were encreaſed two years purchaſe in value by that ſalutary ſtatute. N. B.

"An ingenious foreigner obſerved to me, that he never ſaw a country in which ſo many proclamations were iſſued againſt malefactors, and the commiſſion of crimes, as in Ireland; a ſure proof of the feeble execution of the laws!

"At laſt, Doctor Woodward, Biſhop of Cloyne, ſhocked and alarmed at ſeeing his clergy driven from their houſes to the City of Cork, whither they went for an aſylum, and that a conſpiracy was formed for the deſtruction of the Proteſtant Church, wrote a very able pamphlet, ſtating the origin and progreſs of the inſurrection in Munſter, hoping thereby to rouſe Government to take meaſures for its defence. Of Dr. Woodward, Biſhop of Cloyne.

"Nothing marked ſo ſtrongly the depravity of the times, as the malignant attacks, attended with ſcurrility and abuſe, which were made on this amiable prelate, for this ſeaſonable and ſpirited diſcharge of his paſtoral duty. I had the honour of being well acquainted with him, and I never knew a perſon more profoundly and elegantly learned, or ſo well verſed, not only in every thing that concerned the eccleſiaſtical department, but in the various duties of every line of ſocial life. Having viſited every part of the Continent, he ſpoke the modern languages with great fluency and purity, and had uncommon eaſe and affability of manner.

"He

"He had the moſt exalted piety, and was not only very charitable himſelf, but an active promoter of publick charities. His eloquence in the pulpit was irreſiſtible, as his ſtyle was nervous and elegant; his voice was loud and harmonious, and he had great dignity of manner.

"With all theſe exalted qualities and endowments, he poſſeſſed the moſt brilliant wit, and ſuch a happy vein of humour, as enlivened ſociety wherever he happened to be.

"This neceſſary and important duty, the neglect of which would have been criminal, drew on him a hoſt of foes, conſiſting of Popiſh Biſhops, Prieſts, Friars, and Preſbyterian Miniſters, who abuſed and vilified him with ſingular malignity; and even ſome Members of Parliament had the hardened audacity to arraign him with much ſeverity.

"This amiable prelate made a moſt eloquent ſpeech in ſupport of the privileges granted to the Roman-Catholicks in the year 1782.

"This ſpirit of inſurrection ſpread over moſt parts of Munſter. The conſpirators bound each other by oath to reſiſt the laws of the land, and to obey none but thoſe of Captain Right; and ſo ſtrictly did they adhere to them, that the High Sheriff of the County of Waterford* could not procure a perſon to execute the ſentence of the law on one of theſe miſcreants who was condemned to be whipped at Carrick-on-Suir, though he offered a large ſum of money for that purpoſe. He was therefore under the neceſſity of performing that duty himſelf, in the face of an enraged mob.

* The writer of these pages was High Sheriff at that time.

After

After this long, but, I truſt, not unintereſting extract from Sir Richard Muſgrave's Memoirs of the Rebellions in Ireland, I return to the permiſſion which the King's Miniſters of State in April, 1766, gave, by connivance, to Mr. Oliver Briand, a Roman-Catholick Prieſt of the Province of Quebeck, to go to France in order to be conſecrated as Biſhop of that Province, and then to return to Quebeck, and exerciſe his epiſcopal functions in that Province; which permiſſion was at that time reported to have been obtained from the Marquis of Rockingham by the advice and influence of Mr. Edmund Burke. The only argument I hear'd alledged at that time in defence of that meaſure, was to the following effect; "That, ſince, by the Capitu-"lation which Sir Jeffery Amherſt granted to the Mar-"quis of Vaudreuil, the French Governour of Canada, "in September, 1760, when that country was ſurren-"dered to the Britiſh arms, and by the ſubſequent "ceſſion of it to the Crown of Great-Britain by the "Treaty of Peace, ſigned at Paris, in February, 1763, "it had been ſtipulated 'that the worſhip preſcribed "by the Roman-Catholick Religion ſhould be tolerated "in the Province, and that the Roman-Catholick "inhabitants ſhould be permitted to aſſemble in their "Churches and Chapels to hear Maſs, and receive "the Sacraments of the Romiſh Religion, as hereto-"fore,' it was neceſſary not only to permit the Ro-"man-Catholick Prieſts that were then in the Province "to continue to officiate in the ſaid Churches and "Chapels without any moleſtation, but to permit other "Prieſts,

" Prieſts to ſucceed them in the diſcharge of thoſe " religious duties, when death, or any other event, " ſhall have deprived the people of the ſervices of thoſe " who were then in office. But in the manner of pro- " viding for this ſucceſſion of new Romiſh Prieſts upon " the death of thoſe now in Office, it is neceſſary for " the Government to be very cautious. For, if they " neglect to make ſome ſafe and prudent proviſion for " the regular ſupply of new Prieſts to ſucceed to the " preſent ſet upon the vacancies that will ariſe by death " or any other cauſe, there is great reaſon to apprehend " that freſh Prieſts will come into the Province, from " Old France, who will be attached to the intereſts of " that Kingdom, and, perhaps, be employed by the " French Miniſters of State, as ſpies and emiſſaries, to " keep-up a ſpirit of diſaffection in the minds of the " French, or Canadian, inhabitants of the Province " to the Engliſh Government, and a ſecret wiſh to be " again ſubject to the Crown of France. And, to " avoid this danger, the eaſieſt and moſt prudent way " of proceeding ſeems to be to permit a Popiſh Biſhop " of well-known Loyalty to the King of Great-Britain, " and who has reſided for many years paſt in the " Province, and who has few, or no, connections with " Old France, ſuch as *Monſieur Olivier Briand*, to " reſide in the Province in a very humble and private " manner, with a ſmall revenue to ſupport him; that " he might be ready, upon the vacancy of any Pariſh- " Church in the Province, by the death of the incum- " bent, immediately to ordain a new Prieſt that had " been both born and bred in the Province, to be " preſented to the ſaid vacant benefice; for which " employments there would, probably, be always a " ſufficient number of young Candidates, both born

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" and educated in the Province, becauſe there is in " the Town of Quebeck a Seminary, or College, " of Roman-Catholick Prieſts, of about five or ſix " in number, which has been long ago built and " endowed ſufficiently with landed eſtates for the " maintenance of the Prieſts that belong to it, and " whoſe duty it is to educate young men for the Ro- " man-Catholick Prieſt-hood. And it was alledged " that ſuch an humble and private Biſhop, who would " exerciſe no other of his Epiſcopal powers but that of " ordaining Prieſts, and that only at the requiſition of " the Governour of the Province, and who might " therefore be conſidered as *a mere manufacturer of* " *Prieſts*, or (according to a French expreſſion which " was at that time reported to have been uſed by Mr. " Oliver Briand himſelf upon the occaſion,) *un ſimple* " *faiseur de prêtres*, would be a very ſafe and conve- " nient inſtrument in the hands of the Governour for " carrying into execution the promiſe made to the " inhabitants of the Province, of tolerating the worſhip " of their Religion, without at the ſame time incurring " the danger above-mentioned of admitting French " ſpies into the Province under the character of Ro- " man-Catholic Prieſts."

This was the argument that I hear'd mentioned at the time, as *that* which had been employed by the advocates of this meaſure to prevail upon the King's Miniſters of that time to conſent to it, and which (enforced, probably, by the addreſs and eloquence of Mr. Edmund Burke,) proved ſucceſsful. It is, however, in my opinion, rather ſpecious than ſolid and ſatisfactory. But, if it was perfectly juſt and concluſive in favour of the meaſure of permitting a Popiſh Biſhop to reſide in the Province of Quebeck, it muſt at leaſt be allowed

lowed that ſuch a meaſure ought not to have been adopted without the authority of an Act of Parliament, to take it out of the operation of the important and fundamental Statute above-mentioned of the 1ſt of Queen-Elizabeth, which prohibits the exerciſe of any power derived from the Pope, not only in the Kingdom of England itſelf, and the dominions thereunto belonging at that time, but in all the dominions that ſhall belong to it *at any future time.* And therefore, for want of ſuch an Act of Parliament to authorize it, the ſaid meaſure was illegal.

But, if it had been legal, it would not have been a prudent meaſure, notwitſtanding the plauſibility of the foregoing argument in it's favour. For it was almoſt certain, that any Roman-Catholick Prieſt who ſhould be permitted to reſide in the Province of Quebeck after having been conſecrated Biſhop of it, would (notwithſtanding any declarations that he might have made to the Engliſh Government, in order to obtain ſuch permiſſion, "that he ſhould conſider himſelf only as *an Ordainer of New Prieſts* when they ſhould be wanted to ſupply the vacant benefices, and would never exert any of the other powers belonging to his Epiſcopal Office,)—I ſay, it was almoſt certain that he would (notwithſtanding ſuch declarations) exert many other powers of his office over the Roman-Catholick inhabitants of the Province, which might have very important effects both on the Roman-Catholick Prieſts and the laiety of the ſame religion, and would probably greatly check and diſcourage both thoſe deſcriptions of his Majeſty's new, or Canadian, ſubjects from converſing freely and aſſociating with the Britiſh inhabitants of the Province, and from reading the books of the New Teſtament, and inquiring into the nature

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of the Proteſtant Religion and it's difference from that of the Church of Rome; of which inquiries the natural conſequence would have been that many of them would have become converts to the Doctrine of the Church of England. And accordingly it was found that, when Mr. Oliver Briand returned into the Province of Quebeck, he took upon himſelf the title of *Olivier Briand, par la Grace de Dieu et du Saint Siége, Evesque de Québec,* and, after having, upon his arrival in the Province in June, 1766, declined the compliments uſually paid to his predeceſſors in that high office, and declared to his friends, "that he did not "come into the Province to be a Biſhop upon the "ſame high footing as his predeceſſors in the time of "the French Government, and was not therefore "intitled, and did not deſire, to be treated with the "ſame ceremony and reſpect as had been uſed towards "them, but that he was only *un ſimple faiseur de prêtres*, "a mere Ordainer of New Prieſts," and having, for a month or two, worn only a common black gown, like the other Roman-Catholick Prieſts, he grew tired of this humble way of proceeding, and dreſſed himſelf in a purple robe, with a golden croſs at his breaſt, which are the uſual enſigns of the Epiſcopal dignity among the Roman-Catholicks; and afterwards he very freely exerciſed the tremendous powers of ſuſpending prieſts from the exerciſe of their clerical functions and depriving them of their benefices, and excommunicating and depriving perſons of the Sacraments, and interdicting divine worſhip in Churches and Chapels. Amongſt other exerciſes of theſe high powers belonging to him as Biſhop of Quebeck, he publiſhed a circular Letter to the Roman-Catholick inhabitants to exhort them to take arms for the Crown againſt the

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ther Americans in the beginning of the American war, in which he promiſed indulgencies to thoſe who ſhould comply with his exhortations, and threatened thoſe who ſhould refuſe to do ſo, with excommunication. And by this Letter as well as by ſeveral acts of haughtineſs and violence, he very much diſguſted the Canadians, as my readers may ſee by conſulting the ſecond volume of my Quebeck papers, in pages 111, 112, 113, —— 144. So different did his conduct in the Province, when in actual poſſeſſion of the office appear to be from that of the mere occaſional ordainer of new prieſts, *le ſimple faiseur de prêtres*, which he had promiſed to be when he ſollicited the permiſſion to return to the Province after having been made it's Biſhop.

As for the advantages that, it was pretended, would reſult to the Province of Quebeck, from the permiſſion given to a Popiſh Biſhop to reſide there, by furniſhing a means of ſupplying the vacant benefices with freſh Prieſts without admitting any to come there from Old France, they might eaſily have been obtained without this dangerous and illegal meaſure, by purſuing the following plan. The Seminary, or College, of Quebeck, might have been preſerved, with all its members and teachers of Popiſh divinity, and its revenues, (which are ſaid to amount to ſix or ſeven hundred pounds ſterling a year,) for the education of young Canadians to the profeſſion of the Prieſt-hood: and, when they had attained the proper age for taking orders in that Church, theſe young men might have been ſent over to England at the King's expence with the Governour's recommendation to his Majeſty's Secretary of State for America, as young men of good behaviour and principles, that were fit to be made

Prieſts

Prieſts and hold benefices in the Province. And from England they might have been ſent to Munſter in Germany, or to the Popiſh canton of Lucerne in Switzerland, (attended by ſome proper and truſty companion, who ſhould have taken care that they ſhould not have ſet their foot in Old France) with recommendations, if they had gone to Switzerland, from the Secretary of State for America to his Majeſty's Reſident, or other Miniſter, to the Swiſs Cantons; and there they they might have been ordained to the Prieſt-hood of the Church of Rome by the Biſhop of Munſter, or of Lucerne, or ſuch other Roman-Catholick diſtrict, (not in Old France,) as his Majeſty, in his Royal Wiſdom, ſhould have thought fit to ſend them to. And, when thus ordained Prieſts of the Church of Rome by ſuch foreign Popiſh Biſhop, they ſhould have returned to England, and from thence to Quebeck by the firſt convenient opportunities, at the King's expence. Such a voyage to Europe would probably have been conſidered, by the young Candidates for the Prieſt-hood who ſhould have had occaſion to take it, as a party of pleaſure rather than a hardſhip. And the expence of it to the Publick would have been trifling; perhaps 300l. or 400l. once in three or four years. For, as the whole number of pariſhes in the Province is but 128, (at leaſt it was no greater in the year 1767; I know not how many new pariſhes may have been created ſince:) a ſupply of two new Prieſts a year, or ſix or ſeven every three years, would have been ſufficient to keep the benefices always full. By this obvious and eaſy method of procuring new Prieſts for the ſupport of the Roman-Catholick Religion agreeably to the toleration promiſed by the Capitulation and Treaty of Peace, the ſuppoſed neceſſity of permit-

ting a Popiſh Biſhop to reſide in the Province might have been avoided.

If the young French, or Canadian, ſcholars, educated at the Popiſh Seminary at Quebeck, for the prieſt-hood in Canada, had been ordained prieſts in this manner by the Biſhop of Munſter, or ſome other Roman-Catholick biſhop in Germany, or Switzerland, and been immediately ſent back to Quebeck in a King's ſhip, to be appointed to officiate in the vacant Churches of the Province, it would, I preſume, have been expedient to direct that they ſhould be appointed, or collated, to thoſe Churches by the Governour of the Province, to hold the ſame during his Majeſty's pleaſure: and thus the whole body of them would have been dependant on the Crown, and would, probably, have uſed their influence over the Inhabitants of their ſeveral pariſhes, to promote their attachment to the Engliſh Government, and to induce them to relinquiſh their former prejudices in favour of that of France. And, in this ſtate of things, it is highly probable that ſeveral of these Roman-Catholick pariſh-prieſts, or *Curates*, (as they were there called,) being free from the controul, or authority, of any Popiſh biſhop, or other Eccleſiaſtical Superiour in the Province, would have ventured to read with attention the books of the New Teſtament, and to inquire into the grounds of the differences of the doctrines of the Church of Rome from thoſe of the Church of England, and, in conſequence of ſuch examination, would often have been inclined to adopt ſome of the doctrines, if not all, of the Church of England, and particularly to think it lawful to uſe the Liturgy of the Church of England, tranſlated into French, in their Churches, inſtead of the Latin Maſs; and that, upon theſe changes

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in their opinions upon theſe ſubjects, they would have become the means of converting their pariſhioners to their new way of thinking upon them, as Wickliff, the great Engliſh Reformer, did in England, with aſtoniſhing ſucceſs, in the reign of King Richard the II. And, that ſuch changes of opinion in religious matters as ſhould have been recommended by the pariſh-prieſts to their Pariſhioners, would have been readily adopted by the latter,—and, more eſpecially, that of the lawfulneſs of making uſe of the Engliſh Liturgy, tranſlated into French, in their Churches inſtead of the Latin Maſs,—I have hardly any doubt, from all that I could collect of the ſentiments and inclinations of the people of that province from a reſidence in it during three years, from September, 1766, to September, 1769, and from converſing during that time with a great variety of the French, or Canadian, inhabitants of it. And this was alſo the opinion of that wiſe and judicious Statesman as well as great and ſucceſsful General, Sir Jeffery Amherſt, who conquered that whole Province and granted the Marquis of Vaudreüil, the French Governour of it, the Capitulation of September, 1760. For, about the month of May, 1774, when the Bill for regulating the government of the Province of Quebeck, was brought into the Houſe of Lords by the late Earl of Dartmouth, Sir Jeffery called upon me at my chambers in the Temple, to converſe upon the proviſions of that Bill, of which he expreſſed a ſtrong diſapprobation, and more particularly of the clauſe that *eſtabliſhed* the Popiſh Religion in Canada, by giving the Popiſh prieſts a legal right to their tythes, which he had expreſſly refuſed to grant them by the Capitulation of September, 1760, and had referred to the future Declaration of the King's pleaſure on that ſubject; which Decla-

ration had never been made from the ſurrender of the Province in September, 1760, to the introduction of that Quebeck-bill into the houſe of Lords in May, 1774, and the right of the Prieſts to ſue their pariſhioners for their tythes in courts of Juſtice, had therefore been conſidered as ſuſpended during the long interval of 14 years from September, 1760, to May, 1774. This clauſe he therefore highly diſapproved-of, as being a wanton and unneceſſary *eſtabliſhment* of Popery in the Province, inſtead of a mere toleration of it, or permiſſion to attend *the worſhip of it* in their Churches and Chapels without any moleſtation, either to themſelves or their prieſts; which was all that was ſtipulated by either the capitulation of September, 1760, or the Treaty of Paris in February, 1763. And it was certainly not neceſſary for the ſatisfaction of the bulk of the Inhabitants of Canada, becauſe they were very well pleaſed to be left at liberty either to pay their tythes, or to let it alone, as they thought fit; though, from an attachment to their religion, they, for the moſt part, thought fit to pay them. And I remember that Sir Jeffery told me at the ſame time, that he thought it would have been ſufficient for the ſatisfaction of the Inhabitants of the Province, to have only permitted the Curates, or Pariſh-prieſts, who were in the Province at the time of the Capitulation, to have continued in poſſeſſion of their benefices during their lives, and then to have ſupplied their places by Protestant French miniſters, who ſhould have conformed to the Church of England and have read the Liturgy of it, tranſlated into French, to their ſeveral Congregations. And I remember that a French merchant at Quebeck, who was a native of old France, and a man of uncommon talents and great reading and knowledge, and

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was a profeſſed Roman-Catholick, (though he was reckoned by many perſons of that city, to be what the French call *a Philoſopher*, or an unbeliever in all revealed religion,) went further ſtill than Sir Jeffery Amherſt in the opinion that the Proteſtant religion of the Church of England might have eaſily been introduced into the Province. For one day, when he dined with me at my houſe at Quebeck, he told me of his own accord, (I having ſaid nothing to lead to it,) that he was ſurprized that the Engliſh Government had not, immediately after the ceſſion of the Province to the Crown of England, by the Treaty of Peace in February, 1763, introduced into it at once the Proteſtant religion as ſettled in the Church of England; adding, that he was perſuaded that it would have been readily ſubmitted-to and acquieſced-in by the inhabitants of the Province, who, as the Clergy of the Church of England have retained ſome of the Eccleſiaſtical veſtments of the Romiſh Clergy, ſuch as the gown, and band, and ſurplice, would have hardly perceived the change from one religion to the other. In this, however, I could not agree with the Philoſopher, but was always deſirous, from motives both of Juſtice and Prudence, that they ſhould enjoy a compleat toleration of their religion to the full extent of the Capitulation and the Treaty of Peace, but without an eſtabliſhment of it, which the body of the People in the Province did by no means wiſh-for, and which was afterwards unneceſſarily re-impoſed upon them, rather than granted to them, by the Quebeck-act of the year 1774.

But, whatever might have been the probability of ſucceſs in a plan of gradually converting the Canadians to the Protestant religion, by encouraging, or, at leaſt, permitting, their own prieſts to become the inſtruments of

ſuch converſions, in conſequence of their own free examination of the grounds of the differences between the doctrines of the two religions and their ſubſequent conviction of the errors of the Romiſh doctrines;—all hopes of that kind were counter-acted, and almoſt deſtroyed, by the unfortunate meaſure, adopted in the year 1766, of permitting *Mr. John Oliver Briand* to return to Quebeck in the character of Biſhop of the Province. For, by the power of ſuſpending prieſts from the exerciſe of their clerical functions, and depriving them of their benefices, and interdicting the performance of divine worſhip in whole pariſhes, which he claimed and exerciſed on various occaſions, he kept the clergy in ſuch a ſtate of terror and ſubjection to him, that no prieſt would ever venture to expreſs any doubts concerning the doctrines of the Church of Rome, or take the ſmalleſt ſtep towards an adoption of the doctrines of the Church of England. Two remarkable inſtances of his exerciſe of theſe dangerous epiſcopal powers in the Province of Quebeck, exhibit ſo clearly the imprudence of the meaſure of permitting him to return into the Province in the character of its Biſhop, that, though they have already been publiſhed in the year 1776, in the ſecond volume of my Quebeck-papers, I will here reprint them. They are a tranſlation from an extract from a letter written in French by a Roman-Catholick gentleman in the Province of Quebeck to a friend in London in September, 1775.

A Tranſlation

A Translation of two anecdotes concerning the conduct of JOHN OLIVER BRIAND, *the Popish Bishop of Quebeck; extracted from a Letter written by a person of credit in the Province of Quebeck to his friend at London about the end of September,* 1775.

SEVEN years ago Monſieur Vincelot, the Seignior of Iſlette, at the requiſition of the biſhop of Quebeck in his viſitation of the pariſhes of his dioceſe, gave a piece of ground, eight French arpents ſquare, for the inhabitants of that pariſh to build a church upon. And he himſelf built upon it, at his own expence, an uncommonly ſpacious parſonage-houſe, in which the people of the pariſh might meet to hear maſs during the time the church would take-up in building. And in this houſe the prieſt of the pariſh lived. At the end of two years Monſieur Briand, the biſhop, at the requeſt of the inhabitants of the higher part of the pariſh, appointed another place for the ſituation of the church which the inhabitants of it were to build: and the inhabitants accordingly begun to build the church in this latter place; and in the courſe of three years (they proceeding but ſlowly in the work) made it fit for the performance of divine ſervice. When the building of the church was compleated, Mr. Vincelot reſumed the poſſeſſion of the former ſpot of ground and of the parſonage-houſe which he had built upon it; grounding his right to make this reſumption upon the non-performance of the condition upon which alone he had given this

ground to the pariſh, which was "that they ſhould erect a church upon it." This proceeding gave offence to the biſhop, who immediately ſent orders to the Curate of the pariſh to inform Mr. Vincelot, that what he had once given to the church, he could never after reſume; and that he, the biſhop, therefore required him immediately to reſtore the piece of ground in queſtion to the Curate of the pariſh; and that, if he refuſed to do ſo, he, the biſhop, would immediately excommunicate him and all his family. This threat was diſregarded by Mr. Vincelot; and he continued to keep poſſeſſion of the piece of ground. Upon this the Prelate flew into a rage, and immediately commanded the ſame Curate of the pariſh to acquaint Mr. Vincelot that he had excommunicated him, and had extended the excommunication to his wife alſo, if ſhe joined with him in his refuſal to reſtore the land. Upon this Mr. Vincelot brought the matter before one of the courts of Juſtice, and there openly reproached the biſhop with his paſſionate and violent behaviour, and his inordinate ambition and deſire of making himſelf an abſolute ruler in the province, and declared him to be nothing leſs than a diſturber of the publick peace. The Judges obſerved a profound ſilence while Mr. Vincelot was ſpeaking, and then decided, that, as the conditions upon which Mr. Vincelot had made the donation of that piece of land to the pariſh, had not been obſerved, the land muſt revert to Mr. Vincelot. This affair happened in the month of May, 1774, and was the occaſion of the biſhop's relaxing very much from the haughtineſs and ſeverity with which he had before treated Mr. Vincelot.

Another and a much ſtronger inſtance of this biſhop's violence of temper happened about four months after the

the former. A man that lived in the pariſh of St. John, of which Monſieur Gaſpé is the Seignior, wanted to marry a woman who was his couſin, though in a pretty diſtant degree. In order to this he applied to the biſhop for a diſpenſation to enable him to do ſo. As Mr. Briand is rather fond of money, he required of this poor man, for the diſpenſation he wanted, a ſum of money which was greater than the whole value of the land he held in the pariſh. This threw the poor man man into deſpair; and he went to the proteſtant miniſter of Quebeck, and deſired him to marry him. But the miniſter refuſed to do ſo, and informed him of the reaſons which induced him to make this refuſal. Upon this the man reſolves to take a new courſe of his own contriving. He invites his relations and friends to his houſe, and gives them a feaſt; and, before they ſit down to table, he produces his intended bride; and, in the preſence of the girl's father and of all the company there aſſembled, the two parties declare their conſent to take each other for man and wife. Now this proceeding was undoubtedly blameable; and the man was liable to be puniſhed for it. But the puniſhment of the guilty parties was not ſufficient to ſatisfy the biſhop's vengeance. Beſides the man and the woman who had been thus married, he excommunicated all the company who had been preſent on the occaſion, and all the inhabitants of the pariſh without exception; ſo that Monſieur Gaſpé, the Seignior of the pariſh, and his Wife, who live at the diſtance of four miles and a half from the place where this offence was committed, were involved in this excommunication. The Curate of Iſlette, who does the duty of the pariſh of St. John, was ſent thither by the biſhop to carry this ſentence of excommunication into execution. He accordingly comes

to

to the pariſh-church, and extinguiſhes the lamp of the principal altar, throws-down the wax-tapers upon the ground, orders the bell to ring, burns the conſecrated bread, and carries-away the box that contained it, the calice, and the ſun, and reads the ſentence of excommunication, and declares that it is to continue in force ſo long as the pariſh ſhall harbour within it thoſe two rebels to the authority of the church. Alarmed at this terrible threat, the inhabitants of this unfortunate pariſh depute their church-wardens to the biſhop to implore his mercy. The church-wardens repair to Quebeck, and on their knees intreat the biſhop to take-off the excommunication. But they could make no impreſſion on him. On the contrary he behaved to them with the greateſt rudeneſs and contempt, ſaying, "*No! I will by no means take-off this excommunication. I will teach you to dread the power of a biſhop: and the reſt of the province will, in conſequence of your example, become more obedient to the church. I therefore command you to drive thoſe two wretches from among you: and, if you obey this command, I will then conſider what it may be proper for me to do with reſpect to the excommunication.*" The poor church-wardens, ſtill on their knees, fell into tears at thoſe harſh words, and ſaid in anſwer to them, "*that, as thoſe perſons were upon their own land, they, the other pariſhioners, had no authority to drive them out of the pariſh, as his Lordſhip now required them to do: but that this could only be done by the Judges.*" *Get you gone, you blackguards, get out of the room this moment;*" replied the biſhop, and at the ſame time opened them the door. Upon this they roſe from their kneeling poſture, to go out of the room. But one of them, growing bolder than the reſt, ſtayed behind in the room for a ſhort

ſpace

ſpace of time after the reſt had quitted it, and ſaid to the biſhop in a ſteady tone of voice, in the hearing of Mr. Mabane, (one of the Judges of the court of common pleas,) who happened to be with the biſhop at the time, "*My Lord, if this man had given you the* 150 *Dollars which you asked of him for a dispensation to marry his relation, you would have granted him the dispensation; and then he would not have been guilty of this offence. And, now, my Lord, that he has been guilty of it, you ought to have confined your puniſhment to him alone, and not have extended it to the inhabitants of a whole parish, who are entirely innocent.*" Mr. Mabane was ſtruck with the juſtneſs of the obſervation, and could not refrain from laughing when the man delivered it; and he earneſtly interceded with the biſhop to take-off the excommunication. But he did not ſucceed. For the biſhop thought fit to continue it for two months longer, and then at laſt took it off at the humble and urgent requeſt of Monſieur and Madame Gaſpé. This ſtory was related to me by Francis Le Clerc, one of the church-wardens above-mentioned, who waited on the biſhop at the deſire of the other inhabitants of the pariſh on the occaſion above-recited.

The French extract, of which this is a tranſlation, may be ſeen in the ſecond volume of my Quebeck papers, in pages 120, 121, 122—126. F. M.

Remarks

Remarks on the true meaning of the words TOLERATION, ENDOWMENT, *and* ESTABLISHMENT, *when applied to a Religion adopted and permitted in any country.*

I HAVE obſerved that ſome people are apt to uſe theſe words in a confuſed manner, or without annexing diſtinct Ideas to them, when applied to a mode of Religion that is permitted or adopted in any country; which makes it difficult to underſtand their reaſonings on the ſubject and to come to any juſt and ſatisfactory concluſions on it. It will therefore be uſeful to ſtate the ſeveral diſtinct Ideas which ought to be annexed to them in diſcuſſions upon this ſubject.

Now it appears to me that there are three different methods in which a Religion, that is permitted by the Government of a country to be profeſſed and practiſed in it, may be ſupported, which may be diſtinguiſhed from each other by the words *Toleration*, *Endowment*, and *Eſtabliſhment*.

The Toleration of a Religion.

When the Government of a country permits the profeſſors of a Religion to meet together in places of worſhip of their own building, or hiring, and to have divine worſhip performed in them, according to the Rites and Ceremonies which they chuſe to adopt, by prieſts, or miniſters, of their own, whom they employ and hire for the purpoſe, that Religion is said *to be tolerated*.

Thus the Quakers are tolerated in England, and ſuch of the Preſbyterians and other Proteſtant Diſſenters from the church of England as comply with the conditions required

required by the two Toleration-acts of the 1 William and Mary, and the 19 of the preſent king George the III. are also Tolerated. But the other proteſtant diſſenters, who do not comply with thoſe conditions, are not tolerated, but are expoſed to the penalties of ſevere laws for worſhipping God according to their conſciences in their meeting-houſes, or *conventicles*, as they are called in thoſe penal ſtatutes. And in like manner the Roman-Catholick religion was tolerated in Canada from the conqueſt of the country by Sir Jeffery Amherſt in September, 1760, to the paſſing of the Quebeck-act in June 1774, when it was eſtabliſhed by that Act. For the people were permitted to aſſemble in their churches and chapels to hear Maſs and to receive the Sacraments, according to the rites of the Church of Rome, and the prieſts were permitted to officiate therein, without any moleſtation whatſoever: and the tythes and other profits paid to the prieſts on this account, were paid voluntarily by the people who followed that mode of worſhip without any right in the prieſts to compel the payment of them by a ſuit at law. This was *perfect toleration.*

But it is poſſible that a government, though it may think it neceſſary in point of Juſtice to permit the followers of a particular religion to meet together in moderate numbers to worſhip God in their own way, may yet not think it expedient to let that religion take root in the country in a manner that is likely to increaſe the number of its votaries. And in this caſe they may forbid its being endowed by gifts of land, or other permanent property, aſſigned to truſtees for the permanent ſupport of it. This, I apprehend, would not be inconſiſtent with toleration, nor at all unjuſt towards the profeſſors of ſuch barely-tolerated religion; becauſe every ſtate has a right to judge of the utility of the purpoſes

poſes for which it allows the property of any of its members to be aliened in mortmain.

The Endowment of a Religion.

But on the other hand it is poſſible that a government may think a particular mode of religion, though not worthy to be ſupported and encouraged by publick authority, yet to be ſo very innocent and inoffenſive to the ſtate that they may indulge the profeſſors of it with a liberty to alien their land, or other property, in mortmain for the permanent ſupport of the miniſters and and teachers of it; as in England and other countries in Europe, men are permitted to found Profeſſorſhips of the Sciences in Univerſities, or to alien a part of their property in Mortmain for the maintenance of the Profeſſors of them. Where this is permitted with reſpect to any particular religion, and private perſons have made uſe of ſuch permiſſion, and have ſettled permanent funds for the maintenance of the miniſters and teachers of ſuch religion, that religion may be ſaid *to be endowed.*

The Eſtabliſhment of a Religion.

Laſtly, where the government of a country provides a fund by their own publick authority for the maintenance of the miniſters and teachers of any Religion, ſuch a Religion is ſaid *to be eſtabliſhed.*

Thus, before the Reformation the Popiſh religion was eſtabliſhed in England; becauſe tythes, and other publick funds, were appointed by the Law of the land for the maintenance of the prieſts that taught it. And at the Reformation, by the ſtatute of 1ſt of Elizabeth, cap. 1. for aboliſhing the foreign Juriſdiction of the Pope; all prieſts who held benefices were required to abjure the ſupremacy of the Pope, and acknowledge that of the Queen; that is, the benefices, or publick funds aſſigned for the maintenance of the publick teachers of religion, were transferred from the Popiſh prieſts, who acknowledged

acknowledged the Pope to be the head of the church, to the Proteſtant prieſts who acknowledged the Queen to be ſo; and by that transfer the Proteſtant Religion became *eſtabliſhed*. This is the only ſenſe in which the Church of England can be ſaid to be eſtabliſhed at this day. Its prieſts are paid for performing its ceremonies, and teaching its doctrines, by funds aſſigned to them by the publick authority of the ſtate. And in the ſame ſenſe the Roman-Catholick religion may be ſaid to be eſtabliſhed in Canada by the late act of parliament in the year 1774. For a publick fund, to wit, the tythes of the Popiſh pariſhioners, that is, of 49 perſons out of every 50 throughout the province, is hereby aſſigned to the Romiſh prieſts as a maintenance and reward for performing the ceremonies, and teaching the doctrines of that religion.

I know that ſome perſons have aſſerted that this meaſure is not an eſtabliſhment of the Popiſh religion in Canada, becauſe the Proteſtant pariſhioners are not obliged to pay tythes to the Romiſh prieſts. But this affects only the *quantum* of the Proviſion made for the maintenance of thoſe prieſts and the religion they are to teach. It is ſomewhat leſs ample than it would be if the Proteſtants were forced to pay the tythes to them as well as the Roman catholicks. But the nature and deſign of the Proviſion are the ſame in both caſes. It is a fund provided by publick authority for the ſupport of prieſts, to exerciſe and teach the religion of the church of Rome. And this, I preſume, is all that is meant by thoſe who have affirmed that the Popiſh religion *is eſtabliſhed* by this act of parliament, and is all that the words, *eſtabliſhment of a religion*, naturally and uſually import.

OF

TRUE RELIGION,

HERESY, SCHISM, TOLERATION;

AND

WHAT BEST MEANS MAY BE USED,

AGAINST THE

GROWTH OF POPERY.*

BY JOHN MILTON, ESQ.

The Author of Paradise Lost.

IT is unknown to no man, who knows aught of concernment among us, that the increaſe of Popery is at this day no ſmall trouble and offence to the greateſt part of the nation; and the rejoicing of all good men that it is ſo: the more their rejoicing, that God hath given a heart to the people to remember ſtill their great and happy deliverance from Popiſh thraldom, and to eſteem ſo highly the precious benefit of his goſpel, ſo freely and ſo peaceably enjoyed among them. Since therefore ſome have already in publick with many conſiderable arguments exhorted the people to beware the growth of this Romiſh weed; I thought it no leſs than a common duty to lend my hand, how unable ſoever, to ſo good a purpoſe. I will not now enter into the labyrinth of Councils and Fathers,—an intangled wood which the papiſts love to fight in, not with hope of victory, but to obſcure the ſhame of an open overthrow: which yet in that kind of combat, many heretofore,

* Printed in the Year 1673.

and

and one of late, hath eminently given them. And ſuch manner of diſpute with them, to learned men is uſeful and very commendable. But I ſhall inſiſt now on what is plainer to common apprehenſion, and what I have to ſay, without longer introduction.

True religion is the true worſhip and ſervice of God, learnt and believed from the word of God only. No man, or angel, can know how God would be worſhipped and ſerved, unleſs God reveal it. He hath revealed and taught it us in the Holy Scriptures by inſpired miniſters, and in the Goſpel by his own Son and his Apoſtles, with ſtricteſt command to reject all other traditions, or additions, whatſoever. According to that of St. Paul, "Though we, or an angel from heaven, preach any other Goſpel unto you, than that which we have preached unto you, let him be *anathema*, or accurſed." And Deut. iv. 2. "Ye ſhall not add to the word which I command you, neither ſhall you diminiſh aught from it." Rev. xxii. 18, 19. "If any man ſhall add, &c. If any man ſhall take-away from the words," &c. With good and religious reaſon, therefore all Proteſtant churches with one conſent, and particularly the church of England in her thirty-nine articles, artic. 6th, 19th, 20th, 21ſt, and elſewhere, maintain theſe two points, as the main principles of true religion: that the rule of true religion is the word of God only: and that their faith ought not to be an implicit faith, that is, to believe, though as the church believes, againſt, or without, expreſs authority of Scripture. And, if all Proteſtants, as univerſally as they hold theſe two principles, ſo attentively and religiouſly would obſerve them, they would avoid and cut-off many debates and contentions, ſchiſms, and perſecutions, which too oft have been among them, and more

Of True Religion.

firmly unite againſt the common adverſary. For hence it directly follows, that no true Proteſtant can perſecute, or not tolerate, his fellow-proteſtant, though diſſenting from him in ſome opinions, but he muſt flatly deny and renounce theſe two his own main principles, whereon true religion is founded; while he compels his brother from that which he believes as the manifeſt word of God, to an implicit faith (which he himſelf condemns); to the endangering of his brother's ſoul, whether by raſh belief, or outward conformity; for "whatſoever is not of faith, is ſin."

What Hereſy is.

I will now as briefly ſhow what is falſe religion or hereſy, which will be done as eaſily: for of contraries the definitions muſt needs be contrary. *Hereſy* therefore is a religion taken-up and believed from the traditions of men and additions to the word of God. Whence alſo it follows clearly that of all known ſects, or pretended religions, at this day in Chriſtendom, Popery is the only, or the greateſt, Hereſy: and he who is ſo forward to brand all others for Hereticks, the obſtinate Papiſt, the only Heretick. Hence one of their own famous writers found juſt cauſe to ſtile the Romiſh Church "Mother of error, ſchool of Hereſy." And, whereas the Papiſt boaſts himſelf to be a Roman-Catholick, it is a mere contradiction, one of the Pope's bulls, as if he ſhould ſay, univerſal particular, a Catholick ſchiſmatick. For *Catholick* in Greek ſignifies *univerſal*: and the Chriſtian Church was ſo called as conſiſting of all nations to whom the Goſpel was to be preached, in contradiſtinction to the Jewiſh Church, which conſiſted, for the moſt part, of Jews only.

The true meaning of the phraſe *Catholick Church.*

Of Sects.

Sects may be in a true Church as well as in a falſe, when men follow the doctrine too much for the teacher's ſake

ſake, whom they think almoſt infallible; and this becomes, through infirmity, implicit faith; and the name *Sectary* pertains to ſuch a diſciple. Sectaries.

Schiſm is a rent, or diviſion, in the church, when it comes to the ſeparating of congregations; and may alſo happen to a true church, as well as to a falſe; yet in the true needs not tend to the breaking of communion, if they can agree in the right adminiſtration of that wherein they communicate, keeping their other opinions to themſelves, not being deſtructive to Faith. The Phariſees and Sadducees were two ſects; yet both met together in their common worſhip of God at Jeruſalem. But here the Papiſts will angrily demand, what! are Lutherans, Calviniſts, Anabaptiſts, Socinians, Arminians, no Hereticks? I anſwer, all theſe may have ſome errors, but are no Hereticks. Hereſy is in the will and choice profeſſedly againſt Scripture; error is againſt the will, in miſunderſtanding the Scripture after all ſincere endeavours to underſtand it rightly: Hence it was ſaid well by one of the ancients, "Err I may, but a Heretick I will not be." It is a human frailty to err, and no man is infallible here on earth. But ſo long as all theſe profeſs to ſet the word of God only before them as the rule of faith and obedience; and uſe all diligence and ſincerity of heart, by reading, by learning, by ſtudy, by prayer for Illumination of the Holy Spirit, to underſtand the rule and obey it, they have done what man can do: God will aſſuredly pardon them, as he did the friends of Job: good and pious men, though much miſtaken, as there it appears, in ſome points of doctrine. Schism. Difference between Hereſy and Error.

But ſome will ſay, "with Chriſtians it is otherwiſe, whom God hath promiſed by his ſpirit to teach all things." True, all things abſolutely neceſſary to ſalva-

tion: But the hotteſt diſputes among Proteſtants, calmly and charitably enquired-into, will be found leſs than ſuch. The Lutheran holds *Consubstantiation* an error indeed, but not mortal. The Calviniſt is taxed with *Predestination*, and to make God the author of ſin; not with any diſhonourable thought of God, but, it may be, over-zealouſly aſſerting his abſolute power, not without plea of Scripture. The Anabaptiſt is accuſed of denying infants their right to baptiſm; again they ſay, they deny nothing but what the Scripture denies them. The Arian and Socinian are charged to diſpute againſt the Trinity: They affirm to believe the Father, Son, and Holy Ghoſt, according to Scripture and the Apoſtolick Creed; as for terms of *Trinity*, *Trini-unity*, *Co-essentiality*, *Tri-personality*, and the like, they reject them as ſcholaſtick notions, not to be found in Scripture, which, by a general Proteſtant maxim, is plain and perſpicuous abundantly to explain its own meaning in the propereſt words, belonging to ſo high a matter, and ſo neceſſary to be known; a myſtery indeed in their ſophiſtick ſubtilities, but in Scripture a plain doctrine. Their other opinions are of leſs moment. They diſpute the ſatisfaction of Chriſt, or rather the word "Satisfaction," as not Scriptural: but they acknowledge him both God and their Saviour. The Arminian, laſtly, is condemned for ſetting-up free will againſt free grace; but that imputation he diſclaims in all his writings, and grounds himſelf largely upon Scripture only. It cannot be denied that the authors, or late revivers, of all theſe ſects, or opinions, were learned, worthy, zealous, and religious men, as appears by their lives written; and the ſame [may be ſaid] of their many eminent and learned followers, perfect and powerful in the Scriptures, holy and unblameable in their

their lives; and it cannot be imagined that God would deſert ſuch painful and zealous labourers in his Church, and oft-times great ſufferers for their conſcience, to damnable errors and a reprobate ſenſe, who had ſo often implored the aſſiſtance of his Spirit; but rather, having made no man infallible, that he hath pardoned their errors, and accepts their pious endeavours, ſincerely ſearching all things acccording to the rule of Scripture, with ſuch guidance and direction as they can obtain of God by prayer. What Proteſtant then, who himſelf maintains the ſame principles, and diſavows all implicit faith, would perſecute, and not rather charitably tolerate, ſuch men as theſe, unleſs he mean to abjure the principles of his own religion? If it be aſked, how far they ſhould be tolerated? I anſwer, doubtleſs *equally*, as being all Proteſtants; that is, on all occaſions ready to give account of their faith, either by arguing, [or by] preaching in their ſeveral aſſemblies, [or by] publick writing, and the freedom of printing. For, if the French and Polonian Proteſtants enjoy all this liberty among Papiſts, much more may a Proteſtant juſtly expect it among Proteſtants; and yet ſometimes, here among us, the one perſecutes the other upon every ſlight pretence.

But he is wont to ſay, he enjoins only things indifferent. Let them be ſo ſtill; who gave him authority to change their nature by enjoining them? if by his own principles, as is proved, he ought to tolerate controverted points of doctrine not ſlightly grounded on Scripture, much more ought he not to impoſe things indifferent without Scripture. In religion nothing is indifferent; but, if it come once to be impoſed, is either a command or a prohibition, and ſo conſequently an addition to the word of God, which he

profeſſes to diſallow. Beſides, how unequal, how uncharitable muſt it needs be, to impoſe that which his conſcience cannot urge him to impoſe, upon him whoſe conſcience forbids him to obey? What can it be but love of contention for things not neceſſary to be done, to moleſt the conſcience of his brother, who holds them neceſſary to be not done? To conclude, let ſuch an one but call to mind his own principles above-mentioned, and he muſt neceſſarily grant, that neither can he impoſe, nor the other believe or obey, aught in religion, but from the word of God only. More amply to underſtand this, may be read the 14th and 15th Chapters to the Romans, and the contents of the 14th, ſet-forth no doubt but with full authority of the Church of England; the gloſs is this: "Men may not contemn, or condemn, one the other for things indifferent." And in the 6th article above-mentioned, "whatſoever is not read in Holy Scripture, nor may be proved thereby, is not to be required of any man as an article of Faith, or neceſſary to Salvation." And certainly what is not ſo, is not to be required at all; as being an addition to the word of God expreſsly forbidden.

Thus this long and hot conteſt, whether Proteſtants ought to tolerate one another, if men will be but rational and not partial, may be ended without need of more words to compoſe it.

The claims of Popery.

Let us now enquire whether Popery be tolerable or no. Popery is a double thing to deal with, and claims a twofold power, *Eccleſiaſtical*, and *Political*, both uſurped, and the one ſupporting the other.

But *Eccleſiaſtical* is ever pretended to *Political*. The Pope by this mixt faculty pretends right to kingdoms and ſtates, and eſpecially to this of England; thrones,

thrones, and unthrones kings, and abſolves the people from their obedience to them; ſometimes interdicts to whole nations the publick worſhip of God, ſhutting-up their churches: and was wont to drain-away the greateſt part of the wealth of this then miſerable land, as part of his patrimony, to maintain the pride and luxury of his court and prelates: and now, ſince, through the infinite mercy and favour of God, we have ſhaken-off his Babyloniſh yoke, hath not ceaſed by his ſpies and agents, Bulls, and Emiſſaries, [to endeavour] once to deſtroy both king and parliament; [and] perpetually to ſeduce, corrupt, and pervert as many as they can of the people. Whether therefore it be fit or reaſonable, to tolerate men thus principled in religion towards the ſtate, I ſubmit it to the conſideration of all magiſtrates, who are beſt able to provide for their own and the publick ſafety. As for tolerating the exerciſe of their religion, ſuppoſing their ſtate-activities not to be dangerous, I anſwer, that toleration is either publick or private; and the exerciſe of their religion, as far as it is idolatrous, can be tolerated neither way: not publickly, without grievous and unſufferable ſcandal given to all conſcientious beholders; not privately, without great offence to God, declared againſt all kind of idolatry, though ſecret. Ezek. viii. 7, 8. "And he brought me to the door of the court, and, when I looked, behold a hole in the wall. Then ſaid he unto me, ſon of man, dig now in the wall: and when I had digged, behold a door; and he ſaid unto me, go-in, and behold the wicked abominations that they do here." And ver. 12. "Then ſaid he unto me, ſon of man, haſt thou ſeen what the ancients of the houſe of Iſrael do in the dark?" &c. And it appears by the whole chapter, that God was no leſs offended with theſe ſecret idolatries, than with thoſe in

The exerciſe of the Popiſh-worſhip is idolatrous, and therefore ought not to be tolerated.

publick; and no leſs provoked, than to bring-on and haſten his judgments on the whole land for theſe alſo.

Having ſhewn thus, that Popery, as being Idolatrous, is not to be tolerated either in publick or in private; it muſt be now thought how to remove it and hinder the growth thereof; I mean in our natives, and not foreigners, privileged by the Law of nations. Are we to puniſh them by corporal puniſhment, or fines in their eſtates, upon account of their religion? I ſuppoſe it ſtands not with the clemency of the goſpel, more than what appertains to the ſecurity of the ſtate: but, firſt, we muſt remove their Idolatry, and all the furniture thereof, whether Idols, or the Maſs, wherein they adore their God under bread and wine: for the commandment forbids to adore, not only "any graven image, but the likeneſs of any thing in heaven above, or in the earth beneath, or in the water under the earth; thou ſhalt not bow-down to them, nor worſhip them; for I the Lord thy God am a jealous God." If they ſay, that by removing their Idols we violate their conſciences, we have no warrant to regard conſcience which is not grounded on Scripture: and they themſelves confeſs in their late defences, that they hold not their images neceſſary to ſalvation, but only as they are enjoined them by tradition.

Images and all materials, or Inſtruments of Idolatry, ought to be prohibited and removed.

Shall we condeſcend to diſpute with them? The Scripture is our only principle in religion; and by that only they will not be judged, but will add other principles of their own, which, forbidden by the word of God, we cannot aſſent to. And [in ſeveral places of the goſpel] the common maxim alſo in Logick is, "againſt them who deny principles, we are not to diſpute." Let them bound their diſputations on the Scripture only, and an ordinary Proteſtant, well-read in the

the Bible, may turn and wind their doctors. They will not go-about to prove their Idolatries by the word of God, but turn to ſhifts and evaſions, and frivolous diſtinctions: Idols, they ſay, are laymen's books, and a great means to ſtir-up pious thoughts and devotion in the learnedeſt. I ſay, they are no means *of God's appointing*, but plainly the contrary: let them hear the prophets; Jer. x. 8. "The ſtock is a doctrine of vanities." Hab. ii. 18. "What profiteth the graven image that the maker thereof hath graven it: the molten image and a teacher of lies?" But they alledge in their late anſwers, that the laws of Moſes, given only to the Jews, concern not us under the Goſpel; and remember not that Idolatry is forbidden as expreſsly: but with theſe wiles and fallacies "compaſſing ſea and land, like the Phariſees of old, to make one proſelyte, they lead-away privily* many ſimple and ignorant ſouls, men and women, "and make them twofold more the children of hell than themſelves," Mat. xxiii. 15. But the Apoſtle hath well warned us, I may ſay, from ſuch deceivers as theſe; for their myſtery was then working. "I beſeech you, brethren," ſaith he, "mark them which cauſe diviſions and offences, contrary to the doctrine which ye have learned; and avoid them: for they that are ſuch, ſerve not our Lord Jeſus Chriſt, but their own belly, and by good words and fair ſpeeches deceive the heart of the ſimple," Rom. xvi. 17, 18.

The next means to hinder the growth of Popery, will be to read duly and diligently the holy ſcriptures, which, as St. Paul ſaith to Timothy, (who had known

Proteſtants ſhould be diligent in reading the ſcriptures.

* "*Beſides what the grim wolf with privy paw*
Daily devours apace"

In Milton's Elegy on the death of his worthy and learned friend, the Rev. Mr. Edward King, written inthe year 1638, and intitled *Lycidas*.

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them from a child,) "are able to make wiſe unto ſalvation." And to the whole church of Coloſſi; "Let the word of Chriſt dwell in you plentifully, with all wiſdom," Col. iii. 16. The Papal, Antichriſtian, church permits not her Laiety to read the Bible in their own tongue: our church on the contrary hath propoſed it to all men, and to this end tranſlated it into Engliſh, with profitable notes on what is met-with obſcure, though what is moſt neceſſary to be known be ſtill plaineſt; that all ſorts and degrees of men, not underſtanding the original, may read it in their mother-tongue. Neither let the countryman, the tradesman, the lawyer, the phyſician, the ſtatesman, excuſe himſelf by his much buſineſs from the ſtudious reading thereof. Our Saviour ſaith, Luke x. 41, 42. "Thou art careful and troubled about many things; but one thing is needful." If they were aſked, they would be loth to ſet earthly things, wealth, or honour, before the wiſdom of ſalvation. Yet moſt men, in the courſe and practice of their lives, are found to do ſo; and, through unwillingneſs to take the pains of underſtanding their religion by their own diligent ſtudy, would fain be ſaved by a deputy. Hence comes Implicit faith, ever learning and never taught, much hearing and ſmall proficience, till want of fundamental knowledge eaſily turns to ſuperſtition or Popery: therefore the Apoſtle admoniſhes, Epheſ. iv. 14. "That we henceforth be no more children, toſſed to and fro and carried-about with every wind of doctrine, by the ſleight of men, and cunning craftineſs, whereby they lie in-wait to deceive." Every member of the church, at least of any breeding or capacity, ought to be ſo well grounded in ſpiritual knowledge, as, if need be, to examine their teachers themſelves, Acts xvii. 11. "They ſearched

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the Scriptures daily, whether thoſe things were ſo, Rev. ii. 2. "Thou haſt tried them which ſay they are apoſtles, and are not." How ſhould any private Chriſtian try his teachers, unleſs he be well-grounded himſelf in the rule of Scripture, by which he is taught? As therefore among Papiſts, their ignorance in Scripture chiefly upholds Popery; ſo among Proteſtant people, the frequent and ſerious reading thereof will ſooneſt pull Popery down.

Another means to abate Popery, arises from the conſtant reading of Scripture, wherein believers who agree in the main, are every-where exhorted to mutual forbearance and charity one towards the other, though diſſenting in ſome opinions. It is written that the coat of our Saviour was without ſeam; whence ſome would infer, that there ſhould be no diviſion in the Church of Chriſt. It ſhould be ſo indeed; yet ſeams in the ſame cloth, neither hurt the garment, nor miſbecome it; and not only ſeams, but ſchiſms will be while men are fallible: but, if they who diſſent in matters not eſſential to belief, while the common adverſary is in the field, ſhall ſtand jarring and pelting at one another, they will be ſoon routed and ſubdued. The Papiſt with open mouth makes much advantage of our ſeveral opinions; not that he is able to confute the worſt of them, but that we, by our continual jangle among ourſelves, make them worſe than they are indeed. To ſave ourſelves, therefore, and reſiſt the common enemy, it concerns us mainly to agree within ourſelves, that with joint forces we may not only hold our own, but get ground; and why ſhould we not? The Goſpel commands us to tolerate one another, though of various opinions, and hath promiſed a good and happy event thereof; Phil. iii. 15. "Let us therefore, as

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many as be perfect, be thus minded; and if in any thing ye be otherwise minded, God shall reveal even this unto you." And we are bid, 1 Thess. v. 21. "Prove all things, hold-fast that which is good." St. Paul judged that not only to tolerate, but to examine and prove all things, was no danger to our holding fast that which is good. How shall we prove all things, which includes all opinions at least, founded on Scripture, unless we not only tolerate them, but patiently hear them, and seriously read them? If he who thinks himself in the truth, professes to have learnt it, not by implicit faith, but by attentive study of the scriptures, and full persuasion of heart; with what equity can he refuse to hear or read him, who demonstrates to have gained his knowledge by the same way? Is it a fair course to assert truth, by arrogating to himself the only freedom of speech, and stopping the mouths of others equally gifted? This is the direct way to bring-in that papistical, implicit, faith which we all disclaim. They pretend it would unsettle the weaker sort; the same groundless fear is pretended by the Romish clergy. At least then, let them have leave to write in Latin, which the common people understand not; that what they hold may be discussed among the learned only. We suffer the Idolatrous books of Papists, without this fear, to be sold and read as common as our own: why not much rather of Anabaptists, Arians, Arminians, and Socinians? There is no learned man but will confess he hath much profited by reading controversies, his senses awakened, his judgement sharpened, and the truth which he holds, more firmly established. If then it be profitable for him to read, why should it not, at least, be tolerable and free for his adversary to write? In Logick, they teach, that contraries laid-together more evidently appear;

appear; it follows then, that, all controverſy being permitted, falſhood will appear the more falſe, and truth the more true; which muſt needs conduce much, not only to the confounding of Popery, but to the general confirmation of unimplicit truth.

A vicious course of life disposes men to fall into Popery.

The laſt means to avoid Popery, is to amend our lives. It is a general complaint that this Nation, of late years, is grown more numerouſly and exceſſively vicious than heretofore; pride, luxury, drunkenneſs, whoredom, curſing, ſwearing, bold and open atheiſm, every-where abounding: where theſe grow, no wonder if Popery alſo grow a-pace. There is no man ſo wicked, but ſometimes his conſcience will wring him with thoughts of another world, and the peril of his ſoul; the trouble and melancholy which he conceives of true repentance and amendment he endures not, but inclines rather to ſome carnal ſuperſtition, which may pacify and lull his conſcience with ſome more pleaſing doctrine. None more ready and officious to offer herſelf than the Romiſh, and opens wide her office, with all her faculties, to receive him; eaſy confeſſion, eaſy abſolution, pardons, indulgences, maſſes for him both quick and dead, Agnus Dei's, reliques, and the like: and he, inſtead of "working-out his ſalvation with fear and trembling," ſtrait thinks in his heart (like another kind of fool than he in the pſalms) to bribe God as a corrupt Judge; and by his proctor, ſome prieſt, or fryer, to buy-out his peace with money, which he cannot with his repentance. For God, when men ſin outragiouſly, and will not be admoniſhed, gives-over chaſtizing them, perhaps, by peſtilence, fire, ſword, or famine, which may all turn to their good, and takes-up his ſevereſt puniſhments, hardneſs, beſottedneſs, of heart, and idolatry, to their final perdition. Idolatry brought the Heathen to heinous

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tranſgreſſions, Rom. ii. And heinous tranſgreſſions oft-times bring the ſlight profeſſors of true religion, to groſs Idolatry: 2 Theſſ. ii. 11, 12. "For this cauſe God ſhall ſend them ſtrong deluſion that they ſhould believe a lye, that they all might be damned who believe not the truth, but had pleaſure in unrighteouſneſs." And Iſaiah xliv. 18. ſpeaking of Idolaters, "They have not known nor underſtood; for he hath ſhut their eyes that they cannot ſee, and their hearts that they cannot underſtand." Let us therefore, uſing this laſt means, (laſt here ſpoken-of, but firſt to be done,) amend our lives with all ſpeed; leſt through impenitency we run into that ſtupidity, which we now ſeek all means ſo wearily to avoid, the worſt of ſuperſtitions, and the heavieſt of all God's judgements, Popery.

By this tract on Toleration it appears that *Milton*, (though a moſt powerful and vehement advocate for both Civil and Religious Liberty), yet thought that Papiſts, from the hoſtility of their principles to the members of all other Churches but that of Rome, were not proper objects of Toleration, under a Proteſtant Government. How much more would he have been ſhocked, if he had been now living, at the opinion that is now adopted by the new Whigs, as they call themſelves, who wiſh not only to tolerate them, or permit them to profeſs the Popiſh Religion, and make uſe of the maſs, and the Popiſh ſacraments in their places of worſhip, (which is properly *Toleration*,) but to make them capable of holding judicial offices and adminiſtering the laws of England in our Courts of Judicature, and of commanding our Navies and Armies. This they call *Catholick Emancipation*; but I ſhould think it ought rather to be called *Catholick Exaltation*.

THE

THE INTEREST OF ENGLAND

STATED:

OR,

A FAITHFUL AND JUST ACCOUNT OF THE AIMS OF ALL PARTIES NOW PRETENDING.

DISTINCTLY TREATING OF THE DESIGNEMENTS

OF

THE ROMAN CATHOLICK.
THE ROYALIST.
THE PRESBYTERIAN.
THE ANABAPTIST.
THE ARMY.
THE LATE PROTECTOR.
THE PARLIAMENT.

With their Effects in respect of *themselves*, of *one another*, and of the *Publick*.

CLEERLY EVIDENCING

The unavoydable ruine upon *all* from longer conteſt:

AND

Offering an *Expedient* for the compoſure of the reſpective Differences; to the *security* and *advantage*, not onely of every *single Interest*, but to the bringing ſolid, laſting, *Peace* unto the *Nation*.

PRINTED IN THE YEAR 1659 AND, PROBABLY, ABOUT THE 20TH OF JULY.

THE

INTEREST OF ENGLAND STATED.

To have a thorough ſenſe of our preſent Sufferings, and a certain knowledge of the inevitable ruine, which our diviſions (if not compoſed) will bring upon the Publick; as it is a matter of little difficulty in its ſelf, ſo [is it] of very inconſiderable uſe. That which would be more behoveful, were to find-out an Expedient, for the alleviating the ills we now feel, and the prevention of thoſe we fear; both of which, having been by ſeveral means, during a long tract of time, in vain attempted, the caſe is now by many given-over, as incurable. But, upon ſerious Conſideration, it appears, that not the Malignancy of our diſeaſe has occaſioned thoſe miſcarriages, but the ill application of remedies has done it. In particular, that men have not either deſired to know, or to remove, the diſtempers of the *Publick*, but laboured to throw-off their *Single* and immediate preſſures, and, to that end, endevoured to advance the party they adhered-to, and to beat-down all others: whereby it came-about, that Diviſions, inſtead of Compoſure, have ſtill grown wider; and paſſionate Hates, inſtead of being allayed, have riſen higher, and been more exaſperated. But, it being certain, that the real good of the Nation, conſiſts not in the private benefit of ſingle Men, but the advantage of the Publick; and *that* is made-up, not by the Welfare of any one Party, but of all; 'tis evident, that the only means to procure

proeure the general good, muſt be commenſurate unto the whole Community; looking upon all perſons, not as Heads, or Partiſans, of any private faction or Intereſt, but as Members of the Nation; and the pretentions of ſingle Men, or Parties, however numerous, are only ſo far forth to be purſued, as they advance the other general Intereſt. Which being laid-down as evident and certain truth, the next conſideration will be, what are the Intereſts of all the ſeveral parties of the Nation now on foot, and what the Publick is; that ſo diſcovery may be made how conſiſtent the private aims are, both among themſelves, and with the general: and alſo how poſſible it is to find-out an Expedient, for the atcheivement of the common good.

A view of the designs of the different Parties in the Nation.

If we take a view of the ſeveral pretentions, carried-on in the Nation apart, we ſhall find the moſt conſiderable to be, the *Roman-Catholick*, the *Royaliſt*, the *Presbyterian*, the *Anabaptiſt*, the *Army*, the *Protectorian*, the *Parliament*.

1. 'Tis the *Roman-Catholick's* aim not only to abrogate the penal Laws, and become capable of all employments in the Common-wealth; but to introduce his religion, to reſtore the rights of the Church, and utterly eradicate all that he eſteems Hereſie.

2. 'Tis the *Royaliſt's* deſire to bring-in the King a Conquerour, to recover their loſſes in the late War, be rendered capable of civil employment, and have the former Government of the Church.

3. 'Tis the *Presbyterian's* deſire to ſet-up his diſcipline, to have the Covenant re-inforc'd, and only ſuch as take it, to be employed in Church or State; to be indempnified in reference to what they have done, and ſecur'd of what they poſſeſſe.

4. 'Tis the wiſh of the *Baptized Churches*, that there might be no Eccleſiaſtical Government of any kind, nor Miniſterial function, or proviſion for it; and that onely perſons ſo minded, ſhould be capable of employment; likewiſe to be indempnified for what they have done.

5. 'Tis the aim of the *Army*, to govern the Nation, to keep themſelves from being disbanded, or engaged in war, to ſecure their pay, and to be indempnified for all paſt action.

6. 'Tis the deſire of the Family of the late *Protector* to eſtabliſh the Heir of his Houſe, that they may rule him, and he the Nation, and ſo both preſerve and advance themſelves.

7. 'Tis the wiſh of the preſent *Parliament*, (as far as they have one common deſign) to continue themſelves in abſolute power, by the ſpecious name of a popular Government; to new-model and divide, and, at laſt, take-down, the *Army*; and, finally, under the pretence of a Committee of Parliament, or Council of State, ſet-up an Oligarchy, reſembling that of the thirty Tyrants in *Athens*.

Laſtly, 'Tis the general Intereſt of the Nation to eſtabliſh the ancient fundamental Laws, upon which every one's propriety and liberty are built, to ſettle Religion, to procure a general Indempnity for all actions paſt, to revive their languiſhing and almoſt dead trade, gain an alliance with our neighbour States; to put the Government in ſuch hands, as, beſides preſent force, can plead a legal title to it; into the hands of ſuch with whoſe private intereſt that of the publick not onely conſiſts, but in which 'tis neceſſarily involved; which likewiſe does leaſt contradict the aims of particular

cular parties: Laſtly, the hands of ſuch, whoſe counſel is fit to direct in matters of deliberation, and courage fit to vindicate the injuries of the Nation.

Having impartially propoſed the ſeveral Intereſts that each Party deſigns to it ſelf, we come now to conſider how far they are attainable; or, if attained, how conſiſtent with the publick benefit; next, how conſiſtent with that of all other parties reſpectively; and, in fine, how productive of the real benefit of themſelves.

The Roman Catholick Party.

Firſt, as to the Roman-Catholick pretenſions of reſtoring to the Pope his ancient revenue and juriſdiction, and the Church all that was alienated in *Henry* the eighth's time, 'tis no way feizable; the Perquiſites of the See of *Rome*, and the payments to the Pope, being greater than our Contributions ſo much complained-of; and the impoſſibility of reſtitution of Church-Lands is plain from what was done in Queen *Marie's* days, when the greateſt zealots for that profeſſion, choſe rather to throw their Beads into the fire, than reſign their Conveyances of Abby-land. Then, as to his religion, 'tis viſibly the ruine of all other parties; *Q. Marie's* reformation by fire and faggot, with all the terrors of the Inquiſition, being inſeparable attendants on it. Now, the bulk of the Nation being poſſeſt of the uſage they ſhould have from the Roman-Catholicks if they prevailed, beſides all other Antipathies deeply radicated in the minds of far the greateſt part of the Nation; it is morally impoſſible it ſhould ever be introduced without a forraign force of ſuch ſtrength as to make an abſolute conqueſt; which would involve the whole Nation, and the Papiſts themſelves, in one common ruine: *The ſword not diſtinguiſhing the Catholick from the Heretick; and having onely this kindness for its friends, to ſend them ſpeedily to Heaven, when the others* N B.

were deſigned for Hell *; and this the Catholicks were ſenſible of in the invaſion of 88, aſſuring the Queen of as great fidelity as ſhe could expect from any of her Proteſtant Subjects.

The Royaliſt Party. Secondly, the *Royaliſt* pretenſion of having the King an abſolute Conqueror, as it would deſtroy the Intereſts of all parties that have appeared againſt him or his Father, would infringe the liberties of the *Engliſh* Subjects in general, and in fine, oppreſs the Cavalier himſelf: beſides, it is no way attainable by that party, being inconſiderable both in number and warlike preparations to the reſt: yet farther, ſhould he ſo prevail, the looking-back for reſtitution of all damages paſt in ſo many years, were utterly againſt his intereſt, and would forfeit the moſt abſolute victory: no power being retained by violence, however acquired thereby. And in thoſe terms of difficulty, the ſetting-up the primitive Government of the Church, at leaſt in its full height, againſt ſo great a multitude of eager diſſenters, according to probability will not ſtand.

The Presbyterian Party. Thirdly, the *Presbyterian* aim of ſetting-up his Diſcipline, has the former inconveniences, with the addition of ſome others; for, beſides that its riſe muſt be the overthrow of all other parties, which are more conſiderable in the Nation then themſelves; that rigid Government no ways complies with the *genius* of the Nation, nor the frame of our Municipal Laws: which the late King was well aware of, when he conceded to the ſetting of it up for three years, being fully ſatisfied how effectual an argument the experience of that ſhort time would be to perſwade the Nation to endure ſo-

* The very words of a Spaniſh Friar, when demanded what they would do with the *Engliſh* Catholicks in 1588.

galling

galling and heavy a yoak no longer. As to the point of Indempnity, *that* is ſecured ſufficiently in the preceeding paragraph; for, if the *Cavaliers*, who are the great ſufferers, muſt have no reparations (as I am confident they expect none) there is no other party elſe to fear the making any: and, as the Caſe now ſtands in the Church, the late diſcouragements for learning have left ſo ſmall a ſtore of perſons fit for Eccleſiaſtical employments, that Livings will want Scholars of what party ſoever, and be ſcarce ſupplied; and not Scholars be deſtitute of Livings.

Fourthly, the pretenſions of the *Baptised-Churches* have no leſs inconvenience attending them: as firſt, importing the ruin of all other profeſſions of religion; the adherents to which are evidently not onely the moſt numerous, but infinitely the moſt ſubſtantial part of the Nation: then, if attained, they cannot poſſibly ſubſiſt, it being a Maxime in policy, that *Religion is the Cement of Government*, without a publick profeſſion of which, and the maintenance of Learning and Miniſtry, Atheiſme and diſorder muſt needs break-in. Withal, they having no temporal Government, either in a ſingle perſon, or community, to which even themſelves would unanimouſly ſubmit, they cannot incorporate into a civil ſociety, of any kind. Laſtly, the practiſes in *Germany* by the *Anabaptiſts* there; their cruelty, and all manner of diſorder; their taking-away all property of Eſtates, founding it in Grace and Saintſhip, with the hard treatment which the *Papiſts* in *Ireland* have found, and the *Presbyterian Scots* in the *North* part of the ſame kingdome have lately received from that party, make all other parties infinitely diſſatisfied in their acquiring any power over them. The Baptized Churches. N. B.

Fifthly, as to the *Armie's* governing the Nation; I The Army.

ſhall not inſiſt on the inconſiderableneſs of their number, or the intolerableneſs of being ruled by the ſword, &c. There needs no more be ſaid, but that, a few weeks ſince, they ſo plainly ſaw the impoſſibility of it, that they were content to put the power * into the hands of thoſe perſons whom they had moſt highly diſobliged of all men, and whoſe intereſt viſibly it was (and alwayes will be) to pull them down; not knowing otherwiſe how to diſpoſe either of themſelves, or the power they had taken from the Protector, and the former Parliament; nay, they are now content to have their officers thrown-out after an arbitrary manner, and thoſe that remain, forced to take Commiſſions from their new Maſters, and old enemies; which are to laſt but for a few moneths, and poſſibly be taken-away before many days paſs-over. In the mean time aw'd with the excluſion from indempnity, as alſo with the raiſing County-Troops, and new *Militia's*, which (what ever is pretended) are deſigned onely to check and curb them: likewiſe, their Arrears ſo pitifully ſatisfied, that they ſeem rather a jeer then payment; and yet they chuſe to ſubmit to all this, rather then venture the confuſion of aſſuming the power into their own hands.

*On the 7th of May, 1659.

The Protectorian Party.

6. The pretenſions of the *Protectorian* Intereſt, are now ſo lowe, ſo odious; and, what is worſe then that, ridiculous to the Nation, the ſeveral Members of the Family having been falſe to one another, and their beſt friends, and the late Heir * having in his perſon betrayed ſo much folly and cowardize, (two Ingredients which will deſtroy any Government;) 'twould be impertinent to ſhew that it cannot be acquired, or, if poſſibly returned, could not be ſettled; and of the unattainableneſſe of their deſign, the old Protector himſelf would be further evidence, whoſe ſucceſſes and repute in the World

* Richard Cromwell.

World gave him advantages far before thoſe any of his Line can hope to have; and yet we ſee, he could never get that title he ſo much thirſted for; and, if he had gained it (which it is credibly reported, he deſigned upon that very day he dyed) 'tis viſible to prudent men, how fatal it would have been, even to him: But laſtly, how far it would be from the Intereſt of the Nation, to eſpouſe ſuch a quarrell, as the maintenance of that Family, with their lives and fortunes; let them be Judges, who in their Addreſſes ſolemnly promiſed to do ſo, and, within few weeks after, utterly deſerted it.

7. The remnant *Parliamentary* Intereſt, is of like nature; that riſes meerly by the Armie's favour, and can ſtand only on its Ruine, and the Nation's. Its plea of right is ſo thin, that a ſober perſon would be aſhamed to own it; they being (to paſſe by other failances) long agoe, legally diſſolved in the death of the King; after, apparently at leaſt, [having been] made unfree by the excluſion of their Members: and laſtly, actually diſſolved by the late Protector; which was acknowledged by as many Members againſt themſelves as ſate in the intermediate Parliaments; eſpecially in the laſt, which was called upon the old national account, and had the authority of the Act for a triennial Parliament to ground their convention. And now, to compleat the Tyranny and Uſurpation, this carcaſe * of a Parliament, dead many years

The Party of the Commonwealth-Parliament.

That of the Protector, Richard Cromwell.

* It appears by this paſſage that this Common-wealth-Parliament, (conſiſting of a remnant of the famous long Parliament that met at Weſtminſter on the 3d of November, 1640, and conducted the Civil War with King Charles the Firſt,) was at this time (July 20, or 21, 1659,) ſpoken of with great ſlight and contempt on account of the ſmall number of perſons of which it was compoſed, after the forcible ſeclusion of a great majority of its members in December, 1648, by the army, to make way

years ago, being conjured-up from its aſhes and rottenneſs, by the omnipotence of the Army, continues the old ſeclufion ſtill, and fills not up the vacant places: nay, is ſo far from filling-up, that its primary aim is to overthrow the conſtitution of Parliaments; and, though it pretends to popularity, dares not refer itſelf to the free votes of the people. Nor may they hope to fool the Nation with promiſes of not out-ſitting a preſixt time, or with their *Rotations* and *Fantaſtical Elections*, which are no way grounded on the people's choyce, and, beſides, lay no foundation of Settlement, as being unpracticable; and, what is more, when ſettled, may be varied, both by their preſent Contrivers, and by thoſe future perſons that ſhall be choſen; and laſtly, by the Army, without whoſe licence nothing is valid, or of force. In ſhort, its pretenſions are far more deſtructive to the Nation, then even the *Protectorian* are, it being better to ſubmit to the luſt, and ſerve the ends, of one Family

for the trial and execution of King Charles the First. And on the 11th of the month of February, in the following year, 1659-60, upon the reconciliation of General Monk and his army with the Mayor, Aldermen, and Common-Council of the City of London, (after having executed some severe orders given him by the Parliament against their rights and privileges, which had highly incensed them,) they received the name of the *Rump Parliament*, by which they are often called by Historians. Dr. Skinner, in his Life of General Monk, (which contains a very exact account of the several steps taken by him to bring-about the Restoration of King Charles the Second,) informs us of this circumstance in these words, "But, before this, the apprentices and common people, in detestation of the Junto, (to whom they had given this night the lasting name of the *Rump Parliament*,) had set all the bells in the city on ringing, and kindled bonfires in every street, which continued till morning, and this Saturday night, February 11, was called *The roasting of the Rump*." Chapter xviii, Section ix.

then

then of twelve, or thirty, or whatever number the Oligarchy fixes. Its ſubſiſtence, depending meerly upon this Army, whoſe viſible Intereſt it is to diſſolve them, they cannot poſſibly bring-about their ends; for ſhould they take-down this, and modell a new Army, the Intereſt of that would be the ſame, though the men were changed; and the mutual ruine of each other muſt ſtill continue neceſſary for the ſupport of either.

From which premiſes we may conclude; that the pretenſions of no party now on foot in the Nation are attainable: or, if attain'd, are conſiſtent with the good of other parties, or of the Nation; or, in fine, with their own; and from hence likewiſe, one would be apt to conclude, that the ruin of the publick is inevitable; there being no door of hope left open to receive, no method viſible to unite, ſo diſtant and incompatible ends.

But, not-withſtanding all this, 'tis not impoſſible, no nor hard, to find an Expedient that ſhall evacuate all theſe difficulties: not only eſtabliſh the general Concernment, but (exorbitant paſſion only retrencht) ſatisfy the reall Intereſt of every party, nay, ſingle perſon, in the Nation.

Now to the cheerful reception of ſuch an overture, I ſuppoſe there is no need to perſwade, nor more for to admoniſh, that words and names, however rendered odious, are not to fright us from our certain Benefit and deareſt Intereſt. All that is demanded here, is, that, if, upon ſerious conſideration, the propoſal be found reaſonable, men would be ſo kind to themſelves as to receive it. The Aſſertion I doubt not to make moſt plain and evident, and therefore ſhall as plainly pronounce it. 'Tis this, *The calling-in the King,* is

That the calling-in the abſent

King would contribute most to the peace and settlement of the Nation.

the certain and only means for the preservation of the Kingdoms, and also of the rights and Interests of all single persons in it.

To make this evident in every part, I will retain the former Method, and take a juſt account of all the before-mentioned particulars, that there may be no poſſibility left for Fallacy or Errour.

I begin with common national Intereſt. And that this accords with it, becomes manifeſt; for that the firſt requiſite, "the eſtabliſhing the fundamental Laws," neceſſarily brings-in the King. This likewiſe affords a legal way for redreſſing of grievances, of what kind ſoever, and a ſure and full Indempnity to all perſons; will ſettle Religion upon ſuch a Baſis, as ſhall give ſatisfaction to all that are for Government in the Church; as alſo thoſe that diſſent therein. It being viſible, that all *Engliſh* men are equally neer to him, to whom they relate, not by the private names of Faction or Opinion, but by that one common bond of Allegiance; there being no more reaſon why he ſhould be partial in his affections to them, while they all agree in Loyalty, (though they differ in other matters;) than why a Father ſhould be fond to one Son, and diſcourage another (both being equally obedient) upon pretence of their divers hairs or complexions; though Tyrants and Uſurpers have found it neceſſary ſtill to cajole and fool ſome one faction, that they might make an intereſt which they had not, and by any means gain a colour and ſupport to their uſurpation. This, and this onely, will advance Trade, which the *Spaniſh* and *Daniſh* quarrels have almoſt deſtroyed;—will give an alliance with neighbour States, his Family being already engraffed into the principal Stems of *Europe*, and his future marriage giving opportunity to make an advantagious

tagious affinity to ſtrengthen thoſe preſent Intereſts;— this will take-off the vaſt charge of Intelligence and bribes, which have been hitherto employed meerly againſt the reſtitution of his Family: will ſuperceed the neceſſity of thoſe unreaſonable wars, that were begun upon that ſingle account, (I need not inſtance in particulars to make myſelf underſtood.) 'Twill cut-off the charge of the Appendages of this Crown, the *Scotiſh* and *Iriſh* Nations; which are now from hence become a burthen; beſides a ground of Everlaſting Jealouſie and danger. Yet further; the Government being put into the King's hands, 'twill be eſtabliſhed not onely by that power which is committed to him; but by the more ſure exactors of obedience; affection and duty. He being an hereditary Prince, his private intereſt muſt be the ſame with that of the Nation; which too will not be limited by the preſent age, but reach poſterity. This likewiſe very well conſiſts with the Intereſt of all private parties, as anon ſhall be particularly made manifeſt. Moreover, the Government will be put into the hands of a perſon ſo fit for employment as no one living the like: his education through all hardſhips of fortune, his converſe abroad in the Courts of the moſt conſiderable of his neighbour Princes; his managery of buſineſs in his own perſon; his engagements in warlike hazards; with others likewiſe of all kinds: his age perfectly mature; his underſtanding ſharp to apprehend; and reſolution ſteady to purſue; joined with an infinite ſweetneſs of temper; concurring to make-up ſo perfect a ſufficiency for Empire, that the moſt wanton wiſhes of men cannot fancy any thing, that he will not either make good, or out-do. But farther, to manifeſt the reſtoring of his family to be the onely means of ſettling the Nation, I add this evident proof; "That we have

A favourable deſcription of the abſent King.

have made trial of all other forms of Government, and of his in another Line, all in vain:" Firſt, of an *Ariſtocracy*, while the Houſe of *Peers* ſurvived; then of a *Democracy*, in the Houſe of *Commons* by itſelf: After, of a *Monarchy*, in the old *Protector* and his *Son*; and now of an *Oligarchy*, in the preſent uſurpers at *Weſtminſter:* ſo that there is nothing now left us, but either Anarchy or his Reſtitution. Beſides this, "that the ancient regal Government is the deſire of the whole body of the Nation," becomes plain from hence, that all late Parliaments, however unequally choſen, have (or were ſuſpected to have) deſigned the reduction of it; and that this is the preſent ſenſe of almoſt every man, is ſo notorious, that the late Petition * of *July* 6, addreſs'd by the men of *Weſtminſter* to themſelves, and for which they give themſelves ſolemn thanks, knows not how to diſſemble it, but confeſſes in plain terms, *That the Intereſt of the late King's Son is cryed-up and promoted daily, upon pretence that there will be nothing but confuſion and tyranny until he come to govern; and that ſuch as declare for a Common-wealth are for Anarchy and Confuſion, and can never agree among themſelves what they would have.*

It is the general deſire of the Nation that the King ſhould be reſtored.

I ſhall not farther inlarge upon this head, but proceed to what remains before me; to juſtifie the Neceſſity of bringing-in the King, in reference to the private concerns of every party in the Nation; and

Of the benefits that would arise to the ſeveral Parties in the Nation from the Reſtoration of the King.

1. 'Tis the intereſt of the *Roman-Catholicks;* for by that means the heavy payments now on their Eſtates, with other burthens, will be taken-off; and as to the preſſures of Penal Laws, they cannot but remember

* That themſelves penn'd that Petition, was at firſt eaſily conjectured, but is now certainly known.

how

how far from grievous they were in the late King's time, the Catholicks living here, notwithſtanding them, in a more flouriſhing condition than thoſe of *France*, *Italy*, or *Spain* did, under their reſpective Princes; and would do infinitely more under their natural King, than if any forraigner ſhould acquire the power by conqueſt: Beſides, they, generally having adhered to the late King in his Wars, have no reaſon to diſtruſt the finding favourable treatment from his Son, and a due ſhare of that indulgence which he is ready to afford to even his greateſt Enemies.

2. The *Royalist* and *Engliſh* Proteſtant, beſides that his principles oblige him cheerfully to pay his obedience where it is due, and to look no further, is likewiſe by his Intereſt concern'd to be content with ſuch a reſtitution of the King as allows no private reparations for paſt ſufferings; they thereby acquiring full poſſeſſion of what remains; and the ſettlement of the Nation would make the ſmalleſt eſtate more advantagious than the greateſt would be, if acquired by violence; which unavoydably would defeat all terms of union, and involve the Nation in new Wars: So likewiſe, if the neceſſary parts of their way of Worſhip be ſecured, (which no party would envy them, being in a manner gratified as much themſelves) circumſtantials, other things, would be eaſily ſettled by a fair and amicable treaty.

3. It is the *Presbyterian's* intereſt this; as being the only way to preſerve himſelf from ruine at the hands of thoſe leſſer parties that have grown-up under him; who, utterly oppoſe all Government in the Church, the being and the ſupports of the Miniſterial function, and the encouragement of the party in the State. The ſpeculative differences and conteſts with the Epiſcopal Divines, are, in the opinion of moderate men

men of either judgement, eaſily attoned: And this complyance, as the moſt neceſſary, ſo will it be the moſt honourable act to them imaginable; ſilencing all thoſe vehement ſuſpicions, and hard cenſures, that now paſs uncontroll'd; and juſtifying thoſe pretenſions of Loyalty to the King, which were wrote in their Banners, and ſolemnly covenanted-for in the beginning of the War: Beſides, it is, upon the matter, what was defired at *Uxbridge*, and agreed-upon at the Iſle of *Wight*. But, if any of the party be unſatisfied herein, let him conſult the late very memorable Writings of Mr. *Prynne*, which many have thought fit to deride, but no body ſeriouſly to confute; and he ſhall find what will abundantly convince him.

4. As to the Intereſt of the *Baptized Churches*; their pretenſions of throwing-down all other parties, being not feizable; 'tis their concern to acquieſce in the moſt moderate Church-government; which is certainly the Epiſcopal, confeſt to be ſuch, (even as exerciſed heretofore,) by all parties in their diſputes and differences with each other; and yet is fairly capable of ſuch farther allays, as ſhall appear to be for the peace of the Church and Nation. Beſides, it being a fundamental with them of the Independant way, to admit liberty of Conſcience; they have no reaſon to be angry, if perſons of different Judgements proceed according to their principles: And, this being indulged to them, with the aſſurance of enjoying their temporal poſſeſſions, there is nothing imaginable, which with reaſon they can deſire more. Their very Satisfaction of taking-down Tythes, being ſo far from yielding them any real advantage, that 'tis moſt viſible, all it will do muſt be this, "to tranſlate these payments from the Clergy to State-farmers." And by that time they have taſted the difference

difference between the precarious collections, and allmoſt begging, of a Miniſter, and the cruel exactions and gripes of a Publican's iron hands; I dare promiſe for them, they will heartily unwiſh all their unreaſonable and ill-grounded deſires in that behalf.

5. It is the Intereſt of the Army to call-in the King. For, firſt, to be under a ſingle perſon, is ſo palpably their concern, that there is ſcarce a common Soldier among them, who is not ſenſible of it: and, if ſo, then evidently, it is better to be under him then any other; for thereby they cut-off the neceſſity of perpetual Wars, and ſo the hazarding of all their acquiſitions; thereby they aſſure themſelves, from thoſe dangers of being taken-down, ſtop in pay, and defeated of Arrears: He being the only perſon that can (with a free Parliament) raiſe Contributions and Taxes in a legal manner, and to the ſatisfaction of the Nation. And [he is alſo] the only one that can truſt them as a ſtanding body; which uſurpers never muſt do, as is manifeſt by the treatment the Army has hitherto had under their ſeveral Maſters; for, to paſſe by their preſent uſage, before decypher'd by me; the old Protector made them Stales and properties, not only (to aſſiſt his Tyranny,) employing them againſt the Enemies of his particular, and not the Nation's, Intereſt: But he did it alſo to eaſe himſelf of ſuch of them as had more honeſty, wit, or courage, then he thought fit for his purpoſes. Hence they were caſt upon the *Iriſh*, *Scottiſh*, *Flanders*, *French*, *Jamaica*, Service, turned on Shipboard in the Fleets, garbled, diſcarded, or removed from place to place, ſeldom truſted long under the ſame Officers, nor ſuffered to communicate Counſels, or meet at a general Rendezvouz. When on the other ſide, a Prince that has a juſt title to ſupport him, has no ground of ſuch ſuſpi-

Hardſhips imposed upon the Army by Oliver Cromwell arising from his jealousy and fear of them.

N. B.

cions

tions, but, repoſing himſelf on the loyalty of his people, will honourably, and with affection, treat all that in any employment ſerve him. And, as to the perſon of the King, he has a natural and particular reſpect for this Army; however they have deſerved of him: admiring their valour and diſcipline, even when employed againſt him. I will give but one inſtance, which, though it may ſeem ſlight, is not ſo as to the point in hand. 'Tis this; In the late *Flanders* ſervice, upon the occaſional mention of the Armie's behaviour, in the engagements with the *Spaniſh* forces near *Dunkirk*, the taking of the towns, and ſome other Services of leſſer moment, he was obſerved ſtill to give ſuch an affectionate teſtimony to the *Engliſh* Gallantry, as was no way pleaſing to the leſſe noble hearers, who lik'd to have nothing beſides themſelves commended. Thus did he frequently contend for *their* honour, that fought againſt *his* honour and life to boot; and was *their* Champion, who were *his* Enemies. And indeed it would be infinitely ſtrange, that they, who ſo prodigally ſpent their blood by Sea and Land, to eſtabliſh an ungrateful Monſter; whoſe recompence for the greateſt merits, was only the objecting [them] unto new and greater dangers; whoſe certaineſt pay was ſuſpicion, affront, and injury; then afterwards ſubmitted to his Son, a perſon of no worth or credit, of whom this comparative commendation can only be given, that he is not ſo very a Brute as his Brother; and (to cloſe all) aſſumed the long-forgotten dregs of a caſt Parliament, ſhould envy to themſelves, the honour and advantage of being commanded by a Prince, of known Integrity and Virtue; a Prince that loves them, even in deſpight of all their injuries; and (which is the higheſt endearment among Soldiers) a Prince of eminent perſonal Valour,

Oliver Cromwell.

Valour, which ſeveral of themſelves are witneſſes of, eſpecially at *Worceſter* and *Mardike*, and, if they pleaſed, might be in more and fairer inſtances: Laſtly, a Prince, who is the only viſible Expedient upon earth, to render at once, both them and their poſterity, and the whole Nation, happy. Were this directed to the *French* or *Spaniſh* Infantry, (thoſe venal Souls, that underſtand nothing beſides pay and plunder;) theſe arguments from reaſon, national Intereſt and honour, would poſſibly be loſt: But to the *Engliſh* Army, (that ſtill has owned a publick Spirit, where every common man knows how to direct as well as to obey, and to judge no leſſe then to execute,) to have propoſed the Truth, muſt be enough: nor will they fail to fix their thoughts upon it, or ſteer themſelves as prudence ſhall inſtruct.

Laſtly, as to the Intereſt of the Protector's party, and the Parliament, they are concerned to call-in the King. For, it being impoſſible for them to make good their aims, it muſt be wiſdome to ſecure themſelves and their eſtates, and take part in that Oblivion and amneſty, which he is ready to give, as alſo in thoſe rewards, which, whoever ſerve him in any kind, (eſpecially in being inſtrumental to his reſtitution) will be ſure to have.

Now to all this, I can foreſee but one material objection; which is, that the ſeveral forementioned parties cannot be ſecured, that the admiſſion of the King will not be inſidious and enſnaring to them; and that, whatever engagements he now makes, when he ſhall come to power, he will, in likely-hood, reſcind and cancel. To which I briefly anſwer, that this is no real objection at all: for ſome body or other muſt be truſted ſtill; there being no living in the world without mutual confidence; and whoever is inveſted with power, may do injuriouſly, in deſpight of any foreſight: Besides, amongſt all theſe parties, where each is exaſperated

Of the doubts entertained by ſome perſons concerning the faithful performance of any conditions to which the abſent King ſhould give his conſent in order to his reſtoration.

N. B. againſt the other, there will be the same, or greater, cauſe of jealouſie, if any of them were ſuffered to prevail. And 'twould be worth the thinking of, whether it were not a manifeſt Judgement of God upon us, that broke the treaty with the late King, upon ſuggeſtions, that it was not ſafe to truſt him, and choſe to rely upon the faith of one of our fellow-ſubjects: That he ſhould prove the moſt perfidious perſon in the World, to all that truſted him; to the Parliament, the Army, the Nation, and even his private friends and allyes; inſomuch, that no hiſtory of any age or people, can yield a parallel to him for falſeneſſe, perjury, hypocriſie, and breach of faith; and, if this look like judgement, 'twill then be worth the weighing, whether it become us to go-on in our unfortunate, infidel, practiſe ſtill? In caſes of this kind, there are but two ways of aſſurance; I mean ſo perfectly uncontroulable as to be valid, if either of them both be preſent. The one is the Honeſty of the perſon that engages; the other is his Intereſt: and here, not one of theſe alone is preſent, but both concur; which certainly muſt make-up a ſecurity [that will be] beyond all doubt or queſtion. As to the Honeſty of the King, no malice has the impudence to blaſt it; his Moderation, Sobriety, and Juſtice, being as well known as his misfortunes are. Next, as to Intereſt, it viſibly concerns him to be punctual in his engagements; Firſt, to offer pardon to all that ſtand in need of it, and then moſt faithfully to make it good in each particular: loſſe of Credit infallibly breaking the Merchant and private dealer, but ruining more irreparably the publick, national, one; when, on the other ſide, preciſe, exact, performance ſtrangely ſupports both one and the other. Of the benefit hereof, I ſhall give an eminent inſtance of late memory in his own family, and therefore of which we cannot ſuppoſe him to be ignorant. It is his Grand-

N. B. Of the perfidy and Hypocriſy of the late Protector, Oliver Cromwell.

There are just grounds for thinking that the king will faithfully obſerve ſuch conditions.

Grandfather, king *Henry* the fourth, of *France*, who, after long Wars, coming to his right, beſides his relief from Q. *Elizabeth*, by no other humane aid, but the relenting and late wiſdome of his own people; and, being forc'd to make a peace, by many particular treaties, ſtill was exact in keeping them; and received into his entire favour, and ſolid friendſhip, all thoſe who had fought againſt him; and govern'd his moſt important affairs, both Civil and Military, by the counſel and conduct of his ſometimes Enemies; ſuch as were not onely the Duke of *Nevers*, *Villeroy*, and Preſident *Jeannin*, but even the head of the League, the Duke of *Maine* himſelf; to whom he committed the conduct of all the force of *France*, (though then perſonally preſent) when the prince of *Parma* came to relieve *Amiens*; and after, to make good his own promiſe of Indempnity, protected him, being queſtioned for the Murther of *Henry* the third, by interpoſing his own ſupreme power, when the chambers of Parliament were ready to condemn him; though thereby he was ſure to undergoe the imputation of reſcuing ſo great a Malefactor, againſt the clamours of the people, the regular proceſs of the Law, the paſſionate demands of a diſconſolate Widow-Queen, and his own particular neerneſſes of the higheſt mark, his relation to him both in Blood and in Succeſſion. Yet, by doing this, he not onely ſettled himſelf, but attained that greatneſs which no other method could have contrived for him. And why we ſhould think the King reſolv'd not to conſult as well for himſelf, as his Grandfather did, I ſuppoſe it will puzzle the wiſeſt patrons of diſtruſt, to give the leaſt pretence, or ſhew, of reaſon; as alſo it would do, why we ſhould not take pattern by that part of the Story which as neerly concerns us; for, they being exactly in the ſame caſe we now are in, crumbled into

Of the wiſe and upright conduct of king Henry the 4th of France towards the party that had opposed his succeſſion to the Crown.

as many diviſions and ſubdiviſions, as ſo great variety of Intereſt and Religion in that long Civil war could make; bearing an inveterate, mortal, hatred each to other, and almoſt all of them to the King; yet, ſeeing the ruine approaching both from themſelves and ſtrangers, the whole *French* Nation did ſubmit to its Prince again, at whoſe throat their ſword had ſo often pointed, and whom they had for ſo many years devoted to hell as well as death, under the title of Heretick and Apoſtate; and, by ſo doing, they became ſuddenly the moſt flouriſhing and the moſt potent people of *Europe*. But, beſides this, the King has yet a farther motive to offer Grace to all that will accept it, and religiouſly to make it good, that is peculiar to himſelf, and of proportionate value with him; the command and ſtrict injunction of his dying Father, whoſe memory he too much eſteems, not to fulfill that legacy and laſt bequeſt of his, were there no other motive to perſwade him. His ſcrupulouſneſs in this particular is known to be ſuch, as to become a charge againſt him, and that with more than ordinary vehemence, from the hot-ſpurs of the two extreme parties he has had occaſion to deal with, the *Catholick* and the *Presbyterian*. The injunction I mean is notorious to every perſon, making-up a great part of the Miſſive directed to the now preſent King, under the ſtyle of Prince of *Wales*; I cannot forbear to inſert a few lines, as they fell from the pen of the incomparable Author. They run thus:

I have offered Acts of Indempnity and Oblivion in ſo great a latitude as may include all that can but ſuſpect themſelves to be any way obnoxious to the Laws, and which might ſerve to exclude all future jealouſies and inſecurities.

I would have you alwayes propenſe to the ſame way; whenever it ſhall be deſired and accepted, let it be granted,

granted, not onely as an act of State-policy and necessity, but of Christian charity and choyce.

It is all I have now left me, a power to forgive those that have depriv'd me of all; and I thank God I have a heart to do it, and joy as much in this grace which God has given me, as in all my former enjoyments; for this is a greater argument of God's love to me, than any prosperity can be.

Be confident, as I am, that the most (of all sides) who have done amiss, have done so, not out of malice, but misinformation, or misapprehension of things.

None will be more loyal and faithful to me and you, than those Subjects who, sensible of their errors and our injuries, will feel in their own souls most vehement motives to repentance, and earnest desires to make some reparations for their former defects *.

But, if all this be not enough to superſede ſuſpicion and doubt, let me yet add a farther teſtimony. The King admits at this day to his boſome and neereſt truſt, ſeveral perſons, that have been engaged againſt his father, and ſome of them in actions moſt fatal to his affairs; an infallible aſſurance, that it is only the fault of the reſt, that they are not there too. More then this, concerning a future performance, to aſſure it, can not be ſaid or done, except it ſhould pleaſe God to work Miracles; which, I hope, no body does now expect.

The ſhort of all is. Without truſting ſome one or other, the Nation is certainly deſtroyed: and no perſon in the world, beſides the King, is in a capacity to avert the impendent ruin, or can give the like ſecurity of himſelf, as he can do. I will not now preſcribe unto the reader's underſtanding, in dictating an inference;

* The King's Book, sect. 27.

but, from the Premiſes, deſire him at his leiſure to draw-out the concluſion.

Having thus without paſſion, partiality, or prejudice, endevoured clearly, to lay-down the exact caſe of the Nation, both in reſpect of its diſeaſe and cure; 'twill be ſuperfluous to add perſwafives: for men do not uſe to be importuned to leave their torment or diſeaſe, or want rhetorical Enducements, after the pleadings of Intereſt and Profit. I forbear therefore to addreſſe myſelf unto Affection, and to beg that thing, which viſibly it concerns them that are courted, to render their importunate requeſt and ſuit: Nor will I enlarge upon the motives yet untoucht, drawn from Religion, and the reſpects of Proteſtations, Covenants, and Oaths; as alſo native Allegiance; or (what is infinitely conſiderable,) motives taken from the ſtate of publick affairs abroad; our neighbour Nations being now at peace among themſelves, and looking-out for forraign war, thereby to employ their uſeleſſe forces; pretence, and colour, and deſire too, for the undertaking of which, we have given to every one about us, in our late attempts on them; and [our preſent unſettled ſtate] likewiſe yeelds [them] aſſurance, that they ſhall ſucceed by our diſagreement here among our ſelves. Let all this be ſeriouſly weigh'd: I am factor for no Intereſt or Party, nor ſeek the thanks, or favour, of any perſon, but rather expect the fate of Reconcilers, "to diſpleaſe every body." But let that ſucceed as it ſhall happen: the injury that I have done cannot certainly be eſteemed great; all that is ſaid, amounting but to this very reaſonable deſire, "that my fellow-ſubjects will remember theſe two plain truths, firſt, "that they are *Engliſhmen*," and ſo conſider the good of the Nation; and then, "that they are men," and ſo purſue their own.

SUBSTANCE OF THE SPEECH

OF THE

EARL OF SELKIRK,

On Monday, the 13th of April, 1807, on the Motion of the Marquis of Stafford, That the House should come to a Resolution, "That "this House, feeling the necessity of a firm and stable Government "at this most important crisis of publick affairs, is impressed with "the deepest regret at the change which has taken place in his "Majesty's Councils, and that such regret is greatly increased by "the cause to which such change has been ascribed, it being the "opinion of this House, that it is contrary to the first duties of the "Ministers of the Crown to restrain themselves by any pledge, "expressed or implied, from giving to his Majesty any advice, "which, in their judgement, the course of circumstances may "render necessary for the honour and security of his dominions."

THE Earl of SELKIRK declared, that the propositions contained in the Resolution moved by the noble Marquis had, in the abstract, his unqualified assent. He had no dobt of the principle, that a privy Counsellor, who should restrain himself by a pledge, from advising His Majesty to the best of his judgement, would be guilty of a high breach of duty. He was also satisfied, that the late Administration possessed and deserved the confidence of the country. He did not mean to imply an unreserved approbation of all their proceedings; but he did not expect to see an Administration of more than human perfection. The fair criterion, by which to judge the late Administration was to compare their conduct with that of others; and in this view he was ready

to maintain, that conſidering the ſhort duration of their power, they had accompliſhed, or put into a fair train of accompliſhment, more important meaſures of publick good, and that with leſs of reprehenſible conduct, than perhaps any Adminiſtration within our memory. He was alſo of opinion, that in the preſent ſtate of Europe, the loſs of a firm and ſtable Adminiſtration was an event deeply to be deplored.

The queſtion before the Houſe, however, was not whether theſe principles were true, but whether it was proper, under all the circumſtances of the caſe, for the Houſe to record an opinion on the ſubject. The plain object and intention of the motion, was to convey a cenſure on the diſmiſſal of His Majeſty's late Miniſters, as founded on an unconſtitutional act,—a cenſure in which he could not concur. The adoption of this motion, or of any other of a ſimilar tendency, he conſidered as an unwarrantable interference in the exercise of the Prerogative.

The right of parliament, he ſaid, to adviſe the crown upon the choice of Miniſters, cannot go ſo far as to entitle the Houſe to queſtion the *motives* of His Majeſty, for diſmiſſing Miniſters, who had loſt his Confidence. The King cannot be required to take advice from men, in whom he cannot confide; and, were there no other reaſon, a diminution of Confidence is a ſufficient ground for a change in His Majeſty's councils. If, upon ſuch a change, improper perſons are ſubſtituted, it becomes the duty, as it is the right, of Parliament to ſtate their opinion of the unfitneſs of the perſons appointed: but it is on theſe grounds of expediency only, that they can recommend one ſet of men, or reprobate another. It can never be maintained, that the King is accountable to Parliament, for his conduct in changing his Adviſers.

Such

Such a doctrine would ſap the foundations of the Conſtitution. If the motives for a change in His Majeſty's Councils be a fit ſubject for Parliamentary inveſtigation, as well might the two Houſes proceed to the election of a miniſtry by a ballot. N. B.

Except upon the principle here contended-for, it would be impoſſible to prevent diſcuſſions, which are admitted on all hands to be utterly unfit for Parliament;—diſcuſſions upon the perſonal conduct of the King, and on points at iſſue between him and his Miniſters. To illuſtrate this, let it be ſuppoſed, that the oppoſite principle were eſtabliſhed, "that the motives for a change of Miniſters are a fit ſubject of Parliamentary inquiry;" and then let an extreme caſe be put:—let it be ſuppoſed, that a Miniſter ſhould in council offer a groſs perſonal inſult to His Majeſty, ſuch as would be an unpardonable offence from one individual to another, would there be a doubt that ſuch a Miniſter, (be his talents and his virtues what they may,) might be properly diſmiſſed? Now let the ſuppoſition be varied: inſtead of a groſs inſult, let us ſuppoſe an offence leſs unpardonable. The ſuppoſition admits of every poſſible gradation between the groſſeſt inſult, and the moſt venial inattention. Between the two extremes, caſes may undoubtedly be imagined, in which it would be a matter of the utmoſt nicety to determine, whether the offence were, or were not, a ſufficient ground for diſmiſſing a Miniſter. If ſuch queſtions as theſe are to be determined by Parliament, where is an end of the impropriеties into which it would lead? and how are ſuch queſtions to be avoided, if the motives of His Majeſty for diſmiſſing His Miniſters are to be held a fit ſubject of inquiry?

When a change of Adminiſtration takes place, on the ground of any great publick meaſure, the propriety of the

the change becomes a fit ſubject of enquiry, as involved in the diſcuſſion of the meaſure which led to it. The preſent is not a caſe of that kind, but one of thoſe in which there is no criterion to be referred-to, except the feelings in His Majeſty's breaſt, excited by the perſonal behaviour of his Miniſters towards him.

The meaſure, from which all this diſcuſſion originated, having been abandoned by Miniſters, is not the eſſential ground of difference, and therefore it is not at all to the purpoſe to enter into the *merits* of that meaſure. The whole queſtion relates to the *manner* in which the meaſure was brought-forward.—As to the idea of the late Miniſters having had an intention to circumvent the King, I cannot ſee the leaſt ground for ſuch an accuſation: but it is not equally eaſy to acquit them of very blameable careleſſneſs, and of the want of a becoming attention to His Majeſty.—The very exiſtence of miſapprehenſion on ſo important a point, would entitle us to preſume careleſſneſs; and the ſtatements made to both Houſes of Parliament, by members of the late Adminiſtration, fully prove the fact. I cannot agree with ſome noble Lords, who conſider His Majeſty's determination on the Catholick queſtion as immutable: yet, when his opinion had been ſo often and ſo ſtrongly expreſſed, the King had certainly a right to expect that a change in his opinion ſhould not be lightly preſumed, without a very full and diſtinct explanation. It appears, however, that Miniſters did imagine a change in His Majeſty's opinion, upon the moſt vague inferences, and proceeded to act upon that ſuppoſition with a levity, that would ſcarcely have been becoming on a ſubject of the moſt trifling conſequence. This conduct may fairly be conſidered as an act of perſonal inattention to the King, requiring an apology:

and

and when an apology might have been expected, His Majeſty received what, without any diſpoſition to exaggeration, may be conſtrued into a defiance.

When the late Miniſters ſubjoined to the Minute of council, in which they agreed to withdraw the Catholick army bill, the reſervations which have been the occaſion of ſo much comment, it may be granted to them, that they had no diſreſpectful intention: yet, if they did not take ſufficient care to explain themſelves, they have no right to complain that their expreſſions were miſunderſtood. The King had ſaid nothing which appeared to call for theſe reſervations. The act, to which they were annexed, did not imply the admiſſion of any principle to the contrary. The noble and learned Lord, lately on the woolſack, has himſelf ſtated, that the deference of Miniſters to the king in the preſent circumſtances did not imply that they muſt ſhew the ſame deference in others of more extreme urgency. If circumſtances ſhould hereafter have ariſen, ſuch as to render the Catholick conceſſions a meaſure of indiſpenſable neceſſity, without which the affairs of the nation could not be carried on, it would have become the duty of Miniſters to ſtate it to his Majeſty, as a meaſure without which they could no longer remain in office; N. B. and it is altogether ridiculous to ſuppoſe that they would have been precluded from this conduct, becauſe they had on a former occaſion relinquiſhed a ſimilar meaſure, at a time when it was to be conſidered as expedient and uſeful, but not of vital importance and abſolute neceſſity. The inſertion therefore of theſe unneceſſary reſervations might fairly be conſidered as a threat to renew the ſubject under circumſtances of no greater neceſſity than the preſent. This interpretation is confirmed by the expreſſion, that the advice alluded-to was to be ſubmitted

ed *from time to time*—an expreſſion which cannot eaſily be limited to thoſe caſes of impending deſtruction, to which it is now conſtrued as applying.

Whatever might be the meaning affixed by the Council to theſe expreſſions, it is certainly no extravagant ſuppoſition to imagine that the King may have conſidered them as a diſreſpectful defiance, and as ſuch a ſufficient ground for the immediate diſmiſſal of his Miniſters. This, however, he did not reſolve upon, but conveyed to them an expreſſion of his willingneſs to overlook the conduct, of which he had a right to complain, provided he could be aſſured that he ſhould not meet with the like in future. Such appears to be the obvious ſpirit and intention of that note from the King, which is deſcribed as the demand of a pledge from his Miniſters. Though in form that note does demand a pledge, ſuch as Miniſters could not conſtitutionally accede to, yet it is to be conſidered, that this was a paper, dictated on the ſpur of the moment, and in which we are not to look for the accuracy of a ſpecial pleader. The ſpirit of it is eſſentially friendly to the Miniſters,
N. B. and implies a reluctance, on the part of his Majeſty, to part with them, totally irreconcileable with the Idea thrown-out by a noble and learned Lord, that it muſt have been dictated by ſecret adviſers, and founded on a previous reſolution to diſſolve the Adminiſtration.

It appears, then, that the diſmiſſal of the late Miniſters may be fairly traced to the circumſtances of their perſonal conduct towards his Majeſty; and in this view of the matter, no one will conſider it as a proper ſubject of parliamentary inveſtigation, whether theſe circumſtances were, or were not, of ſufficient weight to induce his Majeſty to that determination. The noble Lords on the oppoſite ſide, however, abſtracting altogether from

thoſe emotions and feelings, from which the royal breaſt can no more be exempt than thoſe of other men, overlooking all the circumſtances, which provoked the ultimate demand of a pledge, conſidered the ſubject as a dry and inſulated conſtitutional queſtion. It would have been unconſtitutional, they ſay, for Miniſters to have given the pledge required, and therefore it was unconſtitutional to demand it: and, if this act was not owing to a ſecret adviſer, the new Miniſters who accept offices, vacated in conſequence of that unconſtitutional demand, muſt be held as aſſuming the reſponſibility.

The principle, that a new miniſtry are reſponſible for the diſmiſſal of their predeceſſors, and, retroſpectively, for the meaſures upon which it proceeds, I hold to be ſound, conſtitutional, doctrine: but the application, which is made of that principle to the preſent caſe, appears to me to be fallacious.

That the King can do no wrong, and that he can never act without advice, are principles of Conſtitutional Law, which, like many other doctrines of the Law of England, are expreſſed in figurative language; like all thoſe principles which juridical writers expreſs under the form of fictions.—Theſe maxims, ſtripped of their metaphor and tranſlated into plain language, appear to me to mean—1ſt, That the King has no power by the Conſtitution to do any publick act of government, but through the medium of ſome miniſter, who is held reſponſible for the act:—and, 2dly, That the perſonal actions of the King, not being acts of government, are not under the cognizance of law.

The principle, that the King can never act without advice, applies therefore only to acts of government. N. B. This interpretation is quite ſufficient for the purpoſe which that maxim is intended to effect, viz. to ſecure the

the people from the abuſes of bad government, through the reſtraint which the fear of reſponſibility may put on miniſters. If this responſibility attaches on every act of government, on every act of the King in his executive or legiſlative capacity, the people have all the security, which that maxim can impart: and it would be abſurd to extend it to the perſonal actions of the King as an individual, to the occurrences of his domeſtick life, or to the circumſtances which may ariſe in the courſe of confidential communication between him and his Miniſters, previouſly to their determining on any meaſure, which is afterwards to make its appearance to the publick as an act of government.

Upon a change of Miniſtry, the new Miniſters are undoubtedly reſponſible for the diſmiſſal of their predeceſſors as a publick act of government; and, where the diſmiſſal is connected with any other publick meaſure, on that likewiſe, retroſpectively, they become reſponſible for the negative of their predeceſſors' intentions, but not for any private conſultations, between the King and his former Miniſters, which did not terminate in any publick meaſure. In the preſent caſe, the demand of a pledge from the late Ministers cannot be conſidered in any other light than as an occurrence of private conſultation in the cabinet—an occurrence which cannot be a proper ſubject of parliamentary inquiry, ſince it is only in conſequence of the King's permiſſion that the knowledge of the fact could ever have come to Parliament. That permiſſion was granted for the ſole purpoſe of enabling some of his late Miniſters to clear their characters of aſperſions thrown upon them; and it is ſurely a moſt improper treſpaſs upon the generoſity which led to that permiſſion, that a proceeding, ſuch as the preſent, ſhould be founded upon it;—

N. B.

it:—a proceeding, which, however it may be intended by the noble perſons who bring it forward, cannot be debated without a continual infringement of that important conſtitutional maxim, that the perſonal actions of the King are not to be made the ſubject of diſcuſſion.

Upon the whole then it appears that the argument in favour of the preſent motion reſts entirely upon the groſs fallacy of conſidering the demand of a pledge from Miniſters as an inſulated fact, and their refuſal as the only aſſignable motive for diſmiſſing them. It appears, on the contrary, that, independently altogether of any ſuch refuſal, the diſmiſſal would have been juſtifiable,—that, before the demand was made, circumſtances had occurred which might naturally and fairly have led to that diſmiſſal. If upon receiving that Minute of Council, by which his Miniſters agreed to give-up the Catholick Bill, the King, inſtead of requiring that the reſervations ſhould be withdrawn, had, immediately and without further explanation, ſent for the ſeals of office, could any one venture to ſay that the act would have been unconſtitutional? and ſhall we be told that the act, which the King might conſtitutionally have done before the demand of a pledge, became unconſtitutional after that demand was refuſed—that the mere circumſtance of the King's having inadvertently made a demand, which his Miniſters could not with propriety accede to, can be ſufficient to annul and bar the exerciſe of one of the moſt eſſential Prerogatives of the Crown?

The noble Lord proceeded to ſtate, that the avowed object of the motion was to lead to the re-inſtatement of the late Ministers. However much he might regret that a change ſhould have taken place, if could by no means

means follow that he ſhould concur in machinations for forcing back upon the King any ſet of men who had loſt his Majeſty's Confidence. He argued that no practical good could ever ariſe from ſuch a proceeding, even if it ſhould ſucceed—that a miniſtry forced upon the King without his cordial approbation never could be ſecure,—that the only conſequence would be to multiply changes; and that every change neceſſarily involves much inconvenience to the publick ſervice. He agreed that it was of peculiar importance in the preſent circumſtances of Europe, that we ſhould have a ſtrong and ſtable Adminiſtration. Such, undoubtedly, the late Adminiſtration was; and on this ground, among others, he regretted the change: but, though the late Adminiſtration was ſtrong, it was by no means to be inferred that, if re-inſtated, it would be equally ſtrong. The ſtrength of an Adminiſtration depends in a great meaſure on the opinion, which the Publick entertains of its permanence. Before these unfortunate tranſactions the late Adminiſtration was univerſally ſuppoſed to be immoveably ſtable. Such an opinion can never be renewed. They formerly poſſeſſed the Confidence of the King and the Country united: now they would poſſeſs neither; for, whatever ſenſe the Publick may entertain of the great and ſplendid abilities of the late Miniſters, the confidence formerly repoſed in theſe talents muſt be greatly ſhaken by a view of the extreme indiſcretion of their proceedings.

Lord Selkirk further obſerved, that, in the preſent circumſtances, he could not approve, or concur in, a ſyſtematick oppoſition to an Adminiſtration, whoſe conduct is as yet unknown. He thought them entitled to a fair trial, and that they ſhould not be condemned till their

their meaſures ſhould prove them unworthy of confidence. It is true, that many individuals of the preſent Adminſtration are well known, as publick characters: but, as a Government, they are a new combination of men, and as yet untried. He could not deny that many members of the preſent cabinet had expreſſed opinions on various ſubjects, which he did not concur with; and that, from a view of their former conduct, he could not avoid feeling conſiderable anxiety and doubt as to what their future conduct might be; but he could not carry this ſo far as to ſay that they ſhould be excluded, as utterly unfit to be truſted. Notwithſtanding the opinions which ſome of them had delivered againſt meaſures which he highly approved, he truſted they would ſee the wiſdom of the maxim, which their predeceſſors had acted upon in coming into office, that, taking into conſideration the unavoidable miſchief of repeated changes, they ought to acquieſce in many things which they found eſtabliſhed, notwithſtanding their having objected to them when firſt enacted. He referred particularly to the meaſures adopted laſt ſeſſion for the improvement of our military ſyſtem, the ſpirit of which he truſted would be ſtill adhered-to. It was alſo alledged that the new Miniſters were pledged to a ſyſtem oppoſite to that of conciliation in Ireland. He could not, however, perceive how they could fairly be conſidered as under any ſuch pledge, and he truſted they would take the earlieſt opportunity of evincing the contrary, by giving to the Catholicks, not merely aſſurances, but practical proof, that, however they might reſiſt further conceſſions, they were determined to execute, in a liberal manner, the laws already enacted in their favour. Such a conduct, he was perſuaded, would not only be more honourable, but of more ad-

vantage to the new Miniſters, and tend more to promote the ſtability of their power, than if they ſhould go-on to encourage religious animoſity, and to excite apprehenſion in the publick mind for the ſafety of the Eccleſiaſtical eſtabliſhment. By raiſing a cry of No Popery, they might gain the aſſiſtance of a wild and fanatical mob, but would excite the diſguſt and reprobation of every honeſt and ſenſible man in the Kingdom.

Lord Selkirk proceeded to ſtate, that thoſe who, in the preſent circumſtances, do not approve of the avowed principles, or former conduct, of the newly-appointed Miniſters, are by no means reduced to the alternative of joining with the determined partiſans of the late Miniſters in a ſyſtematick oppoſition: —that there is an intermediate line of conduct more honourable, more conſtitutional, better in every reſpect,—that of giving an independent, but qualified, ſupport to Government, ſo long only as their meaſures are reconcileable with the main and eſſential objects of national ſafety.—In times like the preſent, a ſyſtematick oppoſition maintained by ſo powerful a party, muſt tend to embarraſs the operations of Government, and to waſte, in the ſtruggle for power, that ſtrength which ought to be directed againſt the common Enemy. Such proceedings may be fit for thoſe, whoſe Intereſts are involved in the re-eſtabliſhment of any particular Individual at the head of Adminiſtration: but thoſe who are ſenſible of the imminent danger of our ſituation, and whoſe primary object is that national ſafety, in which our all is involved, will not be inclined to join the violent partiſans of either ſide of the Houſe. If a few perſons of acknowledged character would unite in an independent line of conduct, they muſt gain the confidence of the people;

ple; though their numbers might at firſt be ſmall, every thing they might ſay would carry weight, and even a ſmall phalanx of ſuch men might be able to repreſs ebullitions of a factious ſpirit, whether it ſhould appear on the one ſide of the Houſe or on the other.

A SHORT VIEW OF THE GROUNDS AND PRINCIPLES OF THE GLORIOUS REVOLUTION IN ENGLAND IN THE YEAR 1688.

THE following tract was publiſhed in the year 1807, as a Preface to a third edition of the celebrated Debates in the Houſe of Commons in the month of October in the year 1680, on the Bill for excluding James Duke of York, the brother of the then reigning king, Charles the 2d, from the ſucceſſion to the Crown, upon the ground of his being a *Papiſt*, and likely, from the intolerant principles of the Popiſh religion, and his known zeal for its propagation, to make uſe of his power, when king, to re-eſtabliſh that religion in England. And the preface ſets-forth the conformity of his conduct four years after, when he had ſucceeded peaceably to the crown, (and was poſſeſſed of the full power, and more than the full power, juſtly belonging to it), to the apprehenſions entertained of his deſigns by the eminent Proteſtant patriots, Sir Henry Capel, Sir William Jones, and others, who took the lead in thoſe debates; that power having been employed by him throughout his whole reign in the boldeſt and fierceſt attempts to introduce the Popiſh religion into England, and to deſtroy all the civil liberties of the nation. At laſt, by his violent meaſures he forced even the moſt zealous ſupporters of Monarchy in the kingdom, (who had, ever ſince the reſtoration in 1660, been preaching-up the doctrines of paſſive obedience and non-reſiſtance), to

ſuſpend,

ſuſpend, for a time at leaſt, their high principles of loyalty, and to wiſh to ſee ſome ſtop put to the career of his tyranny. This general ſentiment brought-on an invitation from ſome few courageous noblemen and gentlemen to the Prince of Orange, to come-over to England to their aſſiſtance with a ſmall army;—not to conquer England, but to deliver it from arbitrary power, by obliging king James to call a free parliament to revive and confirm the extinguiſhed laws and liberties of the nation, and the tottering Eſtabliſhment of the Proteſtant religion. And the Prince of Orange complied with this invitation, and was received by the greateſt part of the nation with great joy and gratitude, and conſidered as their Saviour and Deliverer. And, after ſome time, a meeting of the two houſes of Parliament was obtained; but in an irregular manner and without the concurrence of king James: he being unwilling to authorize their meeting, and to conſent to thoſe acts of parliament which he knew they would ſoon propoſe to him for the preſervation of the Proteſtant religion and the civil rights and liberties of the people. But no thoughts were entertained by either Houſe of Parliament of proceeding againſt him as a criminal, for his miſgovernment, nor even of depoſing him, but only of requiring him to conſent to ſuch new regulations as ſhould be thought neceſſary to prevent him from renewing his late attempts to deſtroy the Religion and Liberties of the Country. But this he would not ſubmit to, and rather than do ſo, choſe to retire into France and put himſelf under the protection of king Lewis the 14th, the notorious Perſecutor of his own Proteſtant ſubjects, and unjuſt Invader of Holland and the other ſtates in the neighbourhood of France, and general Diſturber of the peace of Europe. This

reſolution of abandoning England and retiring into France king James attempted twice to execute, and the ſecond time with ſucceſs. And then the two houſes of Parliament, conſidering this abandonment of his country at this critical time as a deciſive proof that he was determined not to conſent to reſume the government of the kingdom upon the terms of his coronation-oath, or ſo as to be bound to govern it *according to the Laws and Statutes of the kingdom*, (upon which terms alone he had any right to govern it), did, after much deliberation and great debates on the ſubject, declare that he had thereby *abdicated, or relinquiſhed, the government*, and that the throne was conſequently *vacant*. And then, after further debates, they proceeded to fill that vacant place by electing their great Aſſiſtant and Protector in this arduous buſineſs, William, Prince of Orange, (who was the nephew of king James, and grandſon to king Charles the 1ſt, and likewiſe husband to the Princeſs Mary, king James's eldeſt daughter), and the Princeſs Mary his wife, to be jointly King and Queen of England, in his ſtead. And from the long debates on theſe two reſolutions, and the ſmall majorities of only two or three votes, by which they were carried, it ſeems next to certain that, if king James had choſen to continue in England and to conſent to ſuch new regulations as the parliament would have thought ſufficient for the ſecurity of the Proteſtant religion and the civil rights and liberties of the nation againſt any future attempts of the Crown to overturn them, he would have been permitted to continue on the Throne. It was therefore king James's Obſtinacy alone, and not the Ambition of the Prince of Orange, (as his enemies have often pretended), that brought about the change of the Sovereign of England on this occaſion,

occaſion, and gave us the wiſe and valiant William, Prince of Orange, (who had already diſtinguiſhed himſelf as the Deliverer of his own country, Holland, from the unjuſt invaſion of Lewis the 14th in the year 1672, and who had now delivered England from the dangers of Popery and Slavery in which king James had involved her), for our King, inſtead of the bigotted and arbitrary James, who had nearly compleated the ruin of our Religion and Liberty.

This Preface is as follows.

THE PREFACE TO THE THIRD EDITION OF THE "DEBATES IN THE HOUSE OF COMMONS IN OCTOBER, 1680, ON THE BILL FOR EXCLUDING JAMES, DUKE OF YORK, THE BROTHER OF KING CHARLES THE SECOND, FROM THE SUCCESSION TO THE CROWN OF ENGLAND," PUBLISHED AT LONDON IN JULY, 1807.

THE Debates of the Engliſh Houſe of Commons, which are here re-printed, took place in the Parliament which met on the 26th of October, 1680, and was Diſſolved by the King's Proclamation, on the 18th of the following month of January, in the year 1680-1. They relate principally to the Bill propoſed in that Parliament for excluding *James*, Duke of *York*, the only brother of King *Charles the Second*, from his right of ſucceeding to the Crown of England, in the event (which was then very probable,) of the King's dying without lawful Iſſue. And the ground of this

important motion, was, "that the ſaid Duke, by aban-
"doning the Proteſtant Religion, and embracing that
"of the Church of Rome, had rendered himſelf unfit
"to diſcharge the great Duties of the Office of a King
"of England, in maintaining the Proteſtant Religion,
"(which had been eſtabliſhed in the Kingdom in the
"Reign of Queen Elizabeth,) and in defending the
"temporal Liberties and Privileges of the Subjects of
"the Crown againſt the Encroachments and Uſurpa-
"tions of the Papal Authority." This Bill was ſupported with great zeal and ability by ſeveral of the moſt eminent Patriots and Lawyers of that time, and particularly by that virtuous and much-reſpected Nobleman, William Lord Ruſſell, (the eldeſt ſon of the then Earl of Bedford,) and Sir Henry Capel, and Colonel Silas Titus, Sir Francis Winnington, and Sir William Jones; who conſidered it as the only *effectual* remedy that could be provided for the Protection of the Proteſtant Eſtabliſhment, againſt the attempts which, they expected, would be made to deſtroy it by the Duke of York, if ever he ſucceeded to the Crown; his zeal for diſtinguiſhing himſelf in the propagation of the new Religion which he had embraced, and his Ambition to be celebrated in the Annals of the Church of Rome, as one of her greateſt Champions, and *the Deſtroyer of the peſtilent Northern Heresy*, (as the Romiſh Prieſts denominated the Reformation) *which had, for more than a Century paſt, overſpread the Britiſh Dominions*, having been, on various occaſions, ſufficiently made known to them. And they obſerved, that, if he were once admitted to the Throne, and acknowledged to be the lawful King of England, and conſequently to be the Head of the Army, and of the Navy, and of the Militia of England, and Maſter of the Revenue of the Crown,

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it would be extreamly dangerous and difficult to reſiſt any attempts that he ſhould make for carrying his deſigns againſt the Proteſtant Religion into execution; and therefore they concluded, that it was abſolutely neceſſary, before that event took place, and while it was yet in their power, (if the King would graciouſly concur with them in the Meaſure,) to exclude him from the Succeſſion to the Crown. The King, unfortunately, would not concur in this ſalutary and neceſſary Meaſure: and the Duke of York ſucceeded to the Crown, in February, 1684-5, four years after theſe Debates. And then the apprehenſions, which theſe wiſe Patriots had entertained of the projects which the Duke was ſuppoſed to have formed againſt the Religion and Liberties of his Country, were fully juſtified by his furious endeavours to over-turn the whole Conſtitution of the government both in Church and State. And, if the Valour and Wiſdom of the Prince of Orange, (who was nearly related to the Crown, being both a Nephew of King James, and the Huſband of his eldeſt Daughter,) had not been exerted in defence of the Religion and Liberty of England, by his landing there with a ſmall Army, of about 13,000 Men, not to conquer England, or to place himſelf on the Throne inſtead of his Father-in-law, (as ſome of his Enemies falſely and maliciouſly pretended,) but merely to enable the People of England to chuſe Repreſentatives and ſend them to meet together in a Convention, or Parliament, and there redreſs, in the manner they themſelves ſhould think proper, without any conſtraint from him, the enormous grievances they laboured-under, from the King's arbitrary Government;—I ſay, if it had not been for this timely interference of the Prince of Orange, it ſeems by no means improbable, that the King might have

have ſucceeded in his endeavours to re-eſtabliſh the Popiſh Religion in England, and to change the limited and Parliamentary Monarchy of England into an abſolute Monarchy, upon the Model of that of France at that time, under Lewis the 14th, of which he was a great admirer. The Nation, however, eſcaped from this alarming Situation, by this noble effort of the Prince of Orange, and by the Prudence and Moderation of the Convention, or Parliament, which he aſſembled. And their Deliberations on this Occaſion, for re-ſettling the Government, were fortunately much facilitated by King James's voluntary departure from England, after he had begun to treat with the Prince of Orange; which could not, with any ſhew of Reaſon, be aſcribed to any apprehenſion of Danger to his Perſon, (which neither the Prince of Orange, nor the Parliament, had the leaſt thoughts of moleſting,) but ſeems manifeſtly to have ariſen from a ſettled Reſolution not to conſent to ſuch new Regulations, as would probably have been propoſed to him, with a view to prevent his renewing his late Attempts againſt the Laws and Religion of his Country. To a Reſtoration to his Throne upon ſuch Conditions, he ſeems to have been determined not to ſubmit; and therefore he retreated into France, under the Protection of that Arbitrary and Perſecuting Monarch, Lewis the 14th, by whoſe aſſiſtance he hoped to recover the Poſſeſſion of his former Arbitrary Power, by the help of a French Army; and he, accordingly, afterwards, made an attempt of that kind in Ireland, by means of ſuch an Army. His departure, however, from England, at this juncture, was a fortunate Circumſtance for the Convention, or Parliament, which the Prince of Orange had aſſembled; as it gave them a fair Opportunity of conſidering

ſidering the Throne as *being vacant* by the Voluntary Abandonment of it by the King, which was a proof that he was not willing to Exerciſe the Office of King upon the Terms of his Coronation-Oath, and according to the Laws and Eſtabliſhed Conſtitution of the Kingdom. Therefore, without having recourse to the delicate and controverted Doctrine of the Right of an Oppreſſed People, to dethrone, or depoſe, their Kings, or other Governours, for Miſ-government; they, conſidering the Throne as Vacant, proceeded to repair that Imperfection, or Defect, in the Governing Powers of the State, by Electing the Prince and Princeſs of Orange to be King and Queen of England, in lieu of the King who had deſerted them; and then proceeded without delay, to re-ſettle the whole Government of the Kingdom upon its old Foundations, with a very few Corrections or Alterations, which their Experience had ſhewn them to be Neceſſary.

This deliverance of the Engliſh nation, from the tyranny of King James the Second, and new Settlement of the Government, under King William and Queen Mary, is generally called *the Revolution*. But it might, perhaps, with more propriety, have been called *the Preservation*, or *Re-eſtabliſhment* of the Government of England, as it had ſubſiſted in the Reign of King Charles the Second, and particularly in the year 1680, when theſe Debates took place, and before that King had diſmiſſed his laſt Parliament at Oxford, on the 28th of March, 1681; for, after that event, he governed, during the remaining four years of his Reign, with a ſort of *Legal Tyranny*, or abuſe of the Legal Powers with which the Conſtitution had inveſted him; employing his Court of King's-Bench, (as his father had employed the Court of Star-Chamber,)

ber,) to perſecute his Subjects under the forms of Law; by taking-away the Charter of the City of London; and procuring the Surrenders of the Charters of ſeveral other Corporations that ſent Members to Parliament, and thereby making the Elections of Members of Parliament leſs free and popular than before; and by over-ſevere Puniſhments, enormous Fines, and Verdicts for exceſſive damages, given in civil actions by corrupt Juries, packed by the Sheriffs for the purpoſe. But in the year 1680, before theſe odious proceedings took place, the Laws and Conſtitution of the Government of England were very little different from what they were afterwards in the years 1689 and 1690, or the firſt and ſecond years of King William's reign. So wiſely and moderately did King William and his firſt Parliament proceed in the ſettlement of the Nation, without introducing any new, or theoretical, improvements of the Government, or any changes in the powers of the ſeveral Judicatories and Orders in the State. The principal Law which the Parliament paſſed on this occaſion, and to which they required the aſſent of the Prince and Princeſs of Orange before they elected them to be King and Queen of England, (in lieu of the King, who had quitted the Government, and retired to France,) is called *the Bill, or Declaration of Rights*; and contains only a recital of ſeveral of the illegal Acts done by King James, and the illegal Powers aſſumed by him, accompanied with a declaration of their illegality, together with a ſettlement of the Crown, after the Deceaſe of the Prince and Princeſs of Orange, on the Heirs of the Body of the ſaid Princeſs; and, in default of ſuch heirs, on the Princeſs Anne, of Denmark, (the ſecond daughter of King James,) and the Heirs of her Body; and, in default

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of ſuch Heirs, on the Heirs of the Body of the Prince of Orange, or King William, by any future wife; and, laſtly, a proviſion that none of the perſons ſo appointed to ſucceed to the Crown, nor any other perſon whatſoever, ſhould be capable of ſuch Succeſſion, if they either were themſelves Papiſts, or were married to a Papiſt, "*it having been found by Experience, that it is incon-*"*ſistent with the Safety and Welfare of this Protest-*"*ant Kingdom, to be governed by a Popiſh Prince, or* "*by any King or Queen, marrying a Papist.*" And, in general, the Maxims and Opinions ſanctioned and confirmed by this Parliament on this great and ſolemn Occaſion, were the ſame that had been profeſſed and laid-down by the Leading Members of the Houſe of Commons in the year 1680, who contended for the Excluſion of the Duke of York from the Succeſſion to the Crown, and which are ſet forth in the Debates that are here reprinted.

Theſe Debates were firſt publiſhed in the year 1681, in a ſmall duodecimo volume; and they were afterwards publiſhed a ſecond time in octavo, with the addition of the Debates of the following ſhort Parliament holden at Oxford, in the following month of March, 1680-81, which related chiefly to the ſame ſubject of excluding the Duke of York from the ſucceſſion to the Crown.

This ſecond edition of theſe Debates was publiſhed in the year 1716, or the ſecond year of King George the Firſt, while there was a Rebellion in the North of England, againſt that wiſe and worthy Monarch, in favour of the Popiſh Pretender to his Crown, the ſuppoſed Son of King James the Second. It does not appear who was the Publiſher of this Second Edition of theſe Debates. But it is plain that he was an approver

prover of the Principles and Opinions maintained in theſe Debates, and a zealous Defender of the Entail of the Crown, which had been made by a ſecond Act of Settlement near the end of King William's reign, on the Proteſtant family of the Dukes of Hanover, and that he publiſhed theſe Debates a ſecond time in that critical ſeaſon, with a view to ſupport the right of King George to the Crown, (which was derived from that ſecond Act of Settlement,) againſt the claim of the Pretender, by again preſenting to the view of the Publick, the excellent arguments that had been uſed in favour of a ſimilar Proviſion for the maintenance of the Proteſtant Religion, and the Rights and Liberties of the Subject, in that celebrated and courageous Parliament of 1680. And theſe ſentiments he has expreſſed very fully in a ſpirited and inſtructive Introduction.

And now, in the year 1807, when a great number of perſons of high rank and large fortunes, and even of diſtinguiſhed abilities, and who particularly aſſume to themſelves the name of *Whigs*, have ſo far departed from the ſentiments of *Lord Ruſſell*, and *Sir Henry Capel*, and *Sir William Jones*, and the other Whigs of the year 1680, as to look upon Popery as a very inoffenſive ſort of Religion, from which no danger ought to be apprehended by Proteſtants, and to think that Members of the Church of Rome ought therefore, not only to be freely tolerated in the exerciſe of their Religion, however idolatrous, (which toleration very few Proteſtants, at this day, are inclined to refuſe them), but alſo to be admitted, equally with Proteſtants, to all ſorts of Offices of Power in the State, both Civil and Military, ſo that the Judges of the King's Courts of Law in Weſtminſter-hall, and the Lords Chancellors of of England and Ireland might be Papiſts, and even that

that an Army of Iriſh Papiſts, commanded by a Popiſh General, (which was the Inſtrument with which King James the Second endeavoured to over-turn the whole Conſtitution of England both in Church and State,) ſhould be no longer contrary to law;—it ſeems highly expedient that theſe excellent Debates ſhould be again brought-forward to the View of the Publick; to the end that the Members of both Houſes of Parliament may well conſider them, before they give their aſſent to a meaſure that is ſo contrary to the Principles on which the Revolution in the Year 1688, and the Declaration of Rights then ſolemnly proclaimed by Parliament, and the Act of Settlement then made in favour of the Prince and Princeſs of Orange, and the ſecond Act of Settlement of the Crown (made about ten years after,) on the Princeſs Sophia, Dutcheſs dowager of Hanover, and the Heirs of her Body, (by virtue of which Act our preſent Sovereign ſits upon the Throne) were, all, founded,—and before they, in conſequence of ſuch aſſent, ſollicit his Majeſty, (notwithſtanding his known diſinclination to the Meaſure,) to give his Royal Aſſent to an Act, that ſeems, at leaſt, to have a ſtrong tendency to undermine and weaken his Majeſty's Title to the Crown. And it is to anſwer this uſeful purpoſe, that theſe Debates are here again re-printed from the ſaid Second Edition of them, in the year 1716, together with the Introduction of the Publiſher of that Edition.

THE

THE INTRODUCTION TO THE SECOND EDITION OF THE SAID DEBATES IN THE YEAR 1710.

So wide has the Deviation of the preſent Age been from the glorious Paths of their Anceſtors;—ſo violent a Propenſion has appeared in too many, who have made an open Profeſſion of the Proteſtant Religion, towards reviving the abject and exploded Doctrine of implicit Obedience, and falling-back into the rankeſt Superſtition and Idolatry; that *Popery* has broke-in like a Torrent, and all that we have been able to do, for ſome Years paſt, has been juſt to carry-on a defenſive War againſt it, whilſt the Balance at preſent is but barely inclining to the Proteſtant Side. Such has been the powerful Magick of the *Roman* Emiſſaries; ſo ſtrong has the Operation of their Poyſon been upon the Senſes of this poor, deluded, Nation, that we have been driving-on an open Commerce with *Rome*, bartering our Eaſe and Plenty for Want and Barrenneſs, and the very Dregs of human Oppreſſion; our Birth-rights, for the imperious Dictates of lawleſs Tyrants; and the mildeſt Laws in the Univerſe, for the moſt inſupportable Slavery, (which is *Spiritual*,) without giving ourſelves Time to caſt-up the Account, and examine what Loſſes we were likely to ſuſtain by ſo unequal an Exchange.

That *Rome*, and her officious Agents, have been inceſſantly at Work for our Deſtruction, is no Wonder, when we conſider ourſelves as the nation that enjoys the boaſted Remains of Liberty, and pure Religion, throughout

throughout *Europe*, and as forming the main Bulwark againſt arbitrary Encroachments. But that we, who profeſs an abhorrence of thoſe Principles, ſhould give an helping Hand to our Ruin, and be in the Plot againſt our own Faith, our Property, and Lives, ſeems as difficult to reconcile as the Doctrine of *Tranſubſtantiation*. Yet, to our eternal Diſhonour, ſuch there are at preſent amongſt us, who have advanced half-Way to meet them; nay, to ſhow their Sincerity, and cut-off all manner of Ceremony, have gone-over to them.

This Deluſion, which has been ſo univerſally ſpread through all Ranks and Complexions, calls loudly at this Juncture for the Publication of the following Sheets. It had been a Crime ſcarce expiable, not to have reſcued them from Oblivion, and give them a freſh Reading; eſpecially at a Time, when a Set of profligate Wretches, who have the Impudence to call themſelves *Proteſtants*, are in ſtrict Combination with the ſworn Enemies of our Religion, to place a *Popiſh Impoſtor* on the Throne of King *GEORGE*, to make this Free-born Nation a Land of Bondage, and our Fertile Plains a Scene of Blood and Confuſion.

Apprehenſions of the like Danger from a *Popiſh* Succeſſor, inſpired our great Forefathers with lively Sentiments of the Kingdom's Danger, and with Reſolutions becoming that great Truſt repoſed in them by their Principals. They ſaw a *Popiſh Plot* carried-on againſt our Liberties and Religion, under the Adminiſtration of a Proteſtant Prince; though not juſtified by open Arms, or proſecuted in that audacious Manner it is at preſent. They found there were too many of the ſame Stamp with the Rebels of this Day, *affectedly Proteſtants*, who ſtrove induſtriouſly to ſmother it, and underhand abetted the Treaſon. The Day at that melan-

choly Seaſon, was favourable to *Roman Monsters*; they had their Partizans in the *Senate-House*; the *Cabinet*, and the *Pulpit*; and too many upon a certain Bench, who ought to have been the moſt vigorous Aſſertors of the Reformation, lay as a dead Weight upon the Houſe. The Oppoſition thoſe worthy Patriots met-with, no Ways impaired their Spirit; they broke through all Diſcouragement, and went to the Root of the Grievance.

The ſole Expedient for preventing all future Calamities, was the Excluſion of the *Duke of York*; a Bill which had a *predictive* Spirit in it; a Bill not Spirited-up by Revenge, or Partiality to a certain Family, as was odiouſly inſinuated, to divide the wicked cauſe from the Perſon; but from the fatal and neceſſary Conſequences which muſt attend a *Popiſh* Adminiſtration; a Bill which, if it had paſſed, would have ſaved this infatuated Kingdom an *Hundred and Thirty Millions*, and extinguiſhed even our remoteſt Fears of *Popery*.

But the Genius of *France*, and her devoted Penſioners got the better of *Britain's* faithful Sons——From the Difficulties our wiſe Anceſtors ſaw there was in carrying a Point of that Importance under a Proteſtant Prince, it was natural to conclude, how great the Struggle muſt be, even to make a Stand, under a *Popiſh* one. Their Penetration went deeper; they knew, that Will and Pleaſure was to ſucceed in the room of Laws and inviolable Statutes; and that Freedom, Property, and Religion, muſt bend to the *Roman* Yoke, if once a *Papiſt* came to be the Director. Thoſe who oppoſed the Bill, could not deny the ſawcy Advances of *Popery*, and ſeemed hearty in coming into any Expedient, but that of the Excluſion. But their Schemes were ſo fantaſtick, that it was obvious to the dimmeſt Sight,

Sight, they were rather preferred with a view to amuse and perplex than to give any Aſſurance to the honeſt Patriots, that their Fears were not well-grounded, or that any Medium could be found-out between the Bill of Excluſion and their own Security. On this Occaſion, I cannot help making two Remarks, which flow-in naturally, and may ſerve as a Glaſs to ſhew the Complexion of thoſe Times, with that of the *Breviat* Proteſtants of ours.

It was objected, That if the Bill of Excluſion ſhould paſs into a Law, there would be found Men at Hand ready to oppoſe that Parliamentary Sanction, in Defence of the Lineal Deſcent, tho' the frequent Uſage of the Nation had juſtified it, and an expreſs Statute now in Force, made in the 13th of Queen *Elizabeth*, which makes it High Treaſon to make a Queſtion, *Whether an Act of Parliament cannot bind the Right of the Crown, the Deſcent, Limitation, Inheritance, or Government thereof.* This Objection, I think, ſufficiently explains the Principles of our half-faced Proteſtants at this Day, and pretty well accounts for the late Tumults, and preſent Rebellion of the Faction, and muſt convince us, that there is not one of that Stamp in King *GEORGE's* Intereſt, but ſtaunch at this Hour for what they ridiculouſly call *Hereditary Right.*

The other Objection was: What if the *Duke* of *York* ſhould have a Son? This, they thought, would invalidate the Entail upon his Daughters. By this Clue, I think, we are led into the Secret of an After-ſtory, and the Apprehenſion thoſe *Popiſh* Inſtruments had of a Proteſtant Succeſſor; ſo that one would be tempted to think there were ſome other People, beſides Catholicks, deep in the ſecret of vamping-up an

Impoſtor; and that a Son was to have been procured at any Rate, though Ten of them had died ſucceſſively in the Month. But to draw-off from ſo obvious a Reflection: In theſe Debates you have the collected Senſe of the Nation, warmly urged by the Electors to their Repreſentatives throughout the Kingdom, who were ſenſible no Cords could bind a *Papiſt*, but thoſe of Death, or Baniſhment. In theſe Sheets, you have a lively Pourtrait of a true *Engliſh* Proteſtant Spirit. Here thoſe who have been ſo unhappy as to degenerate from the bright Examples of their Anceſtors, may learn to amend, or turn pale to ſee the Aſhes of their Sires animated, ſpeaking to them, as it were from the Grave, and calling the Prodigals to return to the Boſom of their Country's Intereſt. In theſe Speeches you read a diſintereſted Zeal, triumphing over Sophiſtry, and falſe Reaſoning; a Set of Patriots embodied againſt mercenary Tongues, Creatures of an arbitrary and debauched Court, and Stipendiaries of *France* and *Rome*. For this glorious Cauſe the great Lord *Ruſſell* fell, purſued by execrable Villains, and unfated Malice; a Drop of whoſe Blood was more valuable than the whole Race of Tyrants, from the Expulſion of *Tarquin*, to the LAST ABDICATION.

But in recording the Glories of 1680, we muſt not forget what we owe to the preſent Parliament of 1715. The Curſe which thoſe Patriots would have prevented, has been growing upon the Nation for 35 Years, excepting the Check it received in the immortal WILLIAM's Reign, and the Firſt Seven Years of Queen ANN's; and has, by frequent Indulgences, arrived to that Height, as to diſpute the Superiority with us; the Extinction of this peſtilent Spirit is left upon the Hands of the preſent Senate. To clear the Rubbiſh, which

which had been gathering for ſo many Years, was next to an *Herculean* Labour; but to cruſh the Monſter, would have been next to an Impoſſibility, under a leſs auſpicious Influence than that of King GEORGE. The *Papiſts*, and their bloody Adherents, found the Period of their laboured Attempts againſt the Conſtitution drawing-on, when the Nation ſpoke its free Senſe in this Parliament; and they are now making the laſt Diſcharge of their Malice, in Rebellion and Deſpair.

Let obſtinate and unthinking Wretches charge that glorious Parliament, with antimonarchical and heterodox Principles; but they need be at no more Pains than ſcanning the Names, and they will find thoſe Patriots were ſo far from being ſuſpected of proneneſs to Levelling, that ſome of them before that Time were eſteemed to be even of a high, ſanguine, Complexion. The ſame impudent Charge may, it's poſſible, be objected to the preſent illuſtrious Body, by thoſe who know not that ſeveral Acts have paſſed which make it impoſſible for any, but a Proteſtant Church of *England* Member, to ſit within thoſe venerable Walls.

If the Parliament of 1660 could boaſt of their RUSSELS, their CAVENDISHES, their CAPELS, their BOOTHS, their WINNINGTONS, and JONESES, a long Train of Heroes; The Champions of 1715 muſt not yield to them in Firmneſs, or Love to their Country: The Conſtancy of a *Regulus*, the Piety of a *Codrus*, and the Wiſdom of a *Lycurgus*, are at this Time to be found in a WALPOLE; the unbiaſſed Patriot, and the polite Gentleman, ſhine forth in a FINCH, who is at preſent The Ornament of the Lower-Houſe, and the growing Hopes of the Upper. In a STANHOPE, we read an Ardor for Liberty, and

the publick Good; the LETCHMERES, and the COWPERS, have a thouſand Witneſſes to their prevailing Eloquence in their Country's Cauſe, and their triumphs over the Enemies of the Conſtitution. Thus guarded, Popery and Arbitrary Power muſt reſign the Day.

But here a Queſtion naturally advances upon us, Why *Popery*, (which was in good Earneſt aboliſhed by *Edward* the VI*th*, of pious Memory; and in the natural Tendency of that Reformation under ſo many Proteſtant Princes, his Succeſſors, ſhould, by this Time, have dwindled into the laſt Degree of Contempt,) has been gaining Ground upon us ever ſince his Death under various Shapes and Diſguiſes, till at laſt it has got Strength enough to bid us Defiance. This has been a perplexing Queſtion to the Generality, and the Cauſe could not have been made ſo obvious to ſeveral well-meaning Proteſtants, till a Set of People, joining in the preſent Rebellion, and who walked-about under Diſguiſes for many Years, have at length gratified the World, in throwing-off the Maſque, and telling us plainly what they have been aiming-at, in Conjunction with our implacable Enemies, the *Papiſts*.

It is not to be imagined, that *Popery* could have ſubſiſted in theſe Realms thus long, much leſs have found ſo ſecure a Refuge from the Purſuit of the Law, after ſuch flagrant Violations of all Things Sacred, Moral, and Humane, if there had not been ſome ſecret Springs working behind the Curtain in her Favour; and Confederates of a more popular Stamp, had not been copying Draughts from the *Roman* Emiſſaries, to make her Villanies appear more ſpecious to the World. Theſe Plagues of Families, of Kingdoms, and Mankind, I ſay, had, e're this Time, been rooted out of the Land, had

had not ſome Advocates in Power, and who ſeemed the very Reverſe of them in Principle, kept the Hand of Juſtice in a Sling, and blunted the Antipathy of *Proteſtants* againſt them.

The *Papiſts*, conſidered as a diſtinct Body, and unaſſiſted, could never have grown-up to any formidable Height: Had there not been an Union of Intereſt and Affection between them, and a powerful Body acting under legal Capacities, they would have been reputed of no more Weight, than ſo many wandering *Jews*, or ſcattered Gentiles, amongſt us: But Impunity and Connivance, accompanied with a Fondneſs they obſerved in ſome falſe Brethren of the Proteſtant Church of *England*, toward a Relapſe into blind Superſtition, and ſlaviſh principles, ſoon encouraged them to put in their Claim, and think themſelves intereſted in promoting thoſe Schemes which made ſuch near Approaches to genuine *Popery*.

By what Engines we were driven, and haſtening to our Ruin, was long foreſeen in the early Days of the Reformation, and guarded-againſt to the utmoſt, by the greateſt Patriots, and the moſt faithful Sons of the Proteſtant Church. But ſuch was the Infatuation of many, from miſtaken and too pompous Notions of Regal and Eccleſiaſtical Power: ſuch the aſpiring Temper of others, who knew better, but would bear no Controul, or even admit the Laiety to a Share in the ruling Part; that we have, more than an Age, been waging a Proteſtant War amongſt ourſelves, whilſt that Monſter, *Popery*, has fattened upon our Diſſenſions, and, by this unnatural Conteſt, paved the Way almoſt to an Eſtabliſhment.

From whence theſe tender Sentiments in profeſſed Churchmen, toward ſuch impious Principles; from

whence that conſtant and moſt favourable Regard to ſuch inhuman Creatures, ſprung;—muſt be the Subject of a ſhort Enquiry, that we may open a Way to the Sources of our paſt Misfortunes, that we ſee both the *rampant* and *couchant Popery*: and we ſhall find at the Up-ſhot, that the latter has been the moſt dangerous Enemy; that the leſs-ſuſpicious *Seconds* have done all the filthy Work for their Principals the *Papiſts*, under the plauſible Names of a *rigorous Uniformity to Ceremonial Rites*, and *absolute, paſſive, Submiſſion* to the Prerogative, whilſt the more formidable Names of *Popery* and *Slavery* were kept behind the Scenes, till a ſuitable Occaſion preſented, of joining-together in the laſt Act of our Miſeries, and making-up the ſad Cataſtrophe in Concert.

To have a full View of this Growth of *Popery*, we muſt obſerve, that the Reformation was but tenderly begun, accompanied with the Diſſolution of Abbies, Monaſteries, and many other ſuch Neſts of Lazineſs and Vermin, and Creatures unprofitable to the Commonwealth. This was hardly digeſted by the ſawcy and high-fed Prieſts of that Time: but falling under the Iron hand and inexorable Temper of *Henry* VIII. and running themſelves likewiſe into a *Premunire*, by diſputing his Supremacy, they were compelled to purchaſe their Peace at any rate, and tamely ſubmit to his Temporal Alienations.

This Breach upon their unjuſt Acquiſitions ſtomached them to the laſt degree. But finding under *Edward* VI. that there was not only a further Retrenchment of their pious Frauds, but likewiſe other *Spiritual Excrescencies* par'd-off, they began to be thoroughly alarm'd; and, though many complied with the reform'd Religion in Show, yet they could not quit their tender

Regard

Regard for the unrighteous Mammon, which they ſaw every Day applied to more laudable Purpoſes.

To paſs over the Reign of Blood-thirſty *Mary*, when they expected a full Reſtitution of Church-lands; finding that Queen *Elizabeth* went on polling the Biſhopricks, and giving-away ſeveral fat Manors to her uſeful Subjects of the Laiety; they unanimouſly caſt about how to ſtop the Current of thoſe Alienations; and, roaring-out Sacrilege and the Church-Robberies of her Miniſtry, began to perſwade her that there was a Deſign of ruining the Church by ſome ill-deſigning Men, and Enemies to Religion; and branded thoſe who were more intent upon the Reformation than worldly Gain, with the Title of *Puritans*; which at that Time was made to ſignify Schiſmaticks in Religion, and Rebels to the State. This Cry, aſſiſted by Archbiſhop *Whitgift*, affecting the Queen, diverted her from laying her Hands upon any more Church-Revenues, and turned her Fury upon the Puritans.

Great Numbers of the reformed Clergy at that Juncture were no better than Papiſts in Diſguiſe, and finding a Gap open for Perſecution, they followed the Swing of their Revenge and Ambitious Tempers; and, becauſe they could not return to their beloved Popery, in bar to the Laws and Statutes then in force, they were reſolved, under the Notion of Uniformity, to obſtruct any further Reformation, and plague thoſe who attempted it.

The Bent of their Inclination ſtill led them to Popery; and they were juſt upon the Point of rolling-back into Idolatry and Pagan Uſurpations at the cloſe of Queen *Elizabeth's* Reign; if the Powder-plot, in the beginning of King *James's*, had not overthrown their Scheme, and made all Overtures of that kind ſo deteſtable, that they

they durſt not try the Experiment without expoſing themſelves to the Nation's Reſentments.

This Project failing, the Popiſhly-affected Clergy, which were of the ſame Stamp with thoſe who paſs under the Name of High-Church at this Day, were forced to throw themſelves upon the Crown, though much againſt their Will. But to ſhew there was a ſort of Co-ordination of Power between the Prince and the Clergy, they began to inſinuate a certain Phraſe of Speech, and make it a Proverbial Saying, *No Biſhop, No King;* putting the Church foremoſt, to make themſelves appear abſolutely neceſſary; and preſſed their reſpective Claims with a ſort of Regal Authority, whenever any ſhould attempt to diſpute them. King *James* was fond of the Notion; and the too credulous *Charles* was entirely taken into the Secret, till the Name of the Popiſh Uſurpations and *Engliſh* Church-government began to ſound very agreeably, and the Breach was widening between the Clergy, who were above the Law of the Land, and the painful Miniſters, who were under the Law; till at laſt that Incendiary, *Laud*, made a diſtinction in his Roll of Promotions, between thoſe marked with the letter O, and P: The former ſignifying Orthodox, *videlicet*, Popiſhly-affected; The other, Puritans, or Proteſtant Church-of-*England* Men. Let none cavil at theſe Animadverſions, when the great Lord *Falkland*, one of the brighteſt Ornaments of the Reformation, and who dy'd for the Royal Cauſe at the Battle of *Newbery*, charges worſe Crimes on the Popiſh Church-of-*England* Clergy of that Day, in the Parliament of Forty-one.

Lord Falkland's Deſcription of the Engliſh Clergy in the year 1641.

"Theſe Men, ſays he, have been the Deſtruction of Unity, under pretence of Uniformity; and have brought-in Superſtition and Scandal, under the Titles of Reverence, and

and Decency; ſlackening that Union between us and thoſe of the ſame Religion beyond the Seas; an Action as Impolitick as ungodly: Theſe Men, continues he, have been leſs eager againſt thoſe who damn our Church, viz. the Papiſts, than thoſe who, from a weak Conſcience, have abſtained from it.

After having deſcanted largely upon the Ignorance and Profaneneſs of the Clergy; the tying-up the Puritans from preaching ſuch and ſuch Tenets, and letting looſe the *Roman* Crew; he obſerves that the uſual Topicks which the Popiſh Church-of-*England* Clergy preach'd-on were the divine Right of Biſhops and Tythes, and inviolable Devotion to the Clergy; the Sacrilege of Impropriations; the demoliſhing of Puritaniſm and Propriety; the building of the Prerogative at St. *Paul's*.

So that it ſeems they were trying how much of the Papiſt might be brought-in without Popery; and deſtroying as much as they could of the Goſpel, without bringing themſelves into Danger of being deſtroyed by the Law.

Some have evidently laboured to bring-in an *Engliſh*, though not a *Roman*, Popery; I mean, not only the outſide and dreſs of it, but equally Abſolute: A blind Dependance of the People upon the Clergy, and of the Clergy upon themſelves; and have oppoſed the Papacy beyond the Sea, that they might ſettle a Pope on this ſide of the Water.

In the cloſe, he talks of their Encroachments upon the Civil Power, exempting the Clergy from the Juriſdiction of the Civil Magiſtrate; hindering Prohibitions; making a Conqueſt of the common Law of the Land; diſpoſing of all Preferments; and blowing both Nations into a Flame."

Was there ever ſo lively a Picture of the enormous Inſolence

Inſolence of the Popiſhly-affected Clergy in the laſt Five Years of Queen *Anne*: Not one Word of the Goſpel ſimplicity; Charity, Forbearance, or the leaſt incentive to Faith or good Works, but all ſelfiſh Topicks. The Dignity and Honour of the Prieſthood; Reſtitution of Church-Lands; Damnation to Diſſenters; the moral Sin of Schiſm, of their own making; Paſſive Obedience, to make us reſign without a Blow to Popiſh Cut-thröats; Hereditary and Indefeasible Right, with other ſuch Terms of Conjuration, to open a way for the Pretender.

The Expediency and Juſtice of putting all Lay-Preferments and Offices of State into the Clergy's Hands, with many more prepoſterous Doctrines; which they, with a true, appropriated, Impudence and Ignorance, vented to their equally ſtupid Congregations.

The Popiſh Clergy of our Church, and the *Roman* Clergy in *Charles* II. Days, had, in a manner, ſhaken Hands; They kept narrowing the Pale of their Communion by rigorous Exactions; and, being complimented with the Privilege of Perſecution, they, in return, made-over to the Crown, as much as in them lay, an abſolute Paſſive Obedience from the Laiety, which was a very *impudent Deed of Gift*, without their Conſents. This Doctrine was minted to pave the Way to Popery in the next Reign; and would have effectually done it, had not that weak Prince diſobliged thoſe Executioners, and attempted their Freeholds: Then indeed, from a Pique, they joined the Proteſtant Church-of-*England* Clergy and her Faithful Sons, to free us from the impending Deſtruction.

There was a ſmall Intermiſſion till that ignorant Tool *Sacheverell*'s trayterous Libel was bellow'd from St. *Paul*'s, when Popery blaz'd-out afreſh; as appear'd from the Poſitions of ſome of their furious Pulpiteers:

1ſt,

1*ſt*, Aſſerting the independency of the Church. 2*dly*, Their Power of Excommunication, as binding as that of the *Roman* Church. 3*dly*, Auricular Confeſſion made neceſſary to Salvation, *Vide Br—tt*'s Sermon. 4*thly*, Abſolution determined in as poſitive a manner as that of *Rome*. 5*thly*, A very tender and looſe Diſtinction between the Real and Corporal Preſence in the Sacrament. 6*thly*, Judging of Scrupulous Conſciences by Teſts of Malice and *Roman* Revenge. 7*thly*, Rebelling, when out of Place and Power. 8*thly*, Diſpenſing with Oaths, or taking them in what Senſe they pleaſe; with many more of ſuch Principles, which are either entirely Popiſh, or have a direct Tendency that way.

This Game have the Popiſhly-affected Clergy been driving-on for a Century and upwards; perhaps not all with an intent to throw themſelves into the Boſom of the *Roman* Communion, but to make themſelves as Abſolute, by lodging in the Suburbs of it; whereas the cunning Sophiſters of the *Roman* Church, who had the Management of this part, laugh'd at the fantaſtick Schemes of our Church-Politicians; who propoſed to go ſuch determinate Lengths towards *Rome*, and not actually go-in to her; knowing that a Church of *England* Abſolute, and above the Law, is a Monſter, and not to be tolerated by Proteſtants; and that ſhe muſt either ſubmit to the Eſtabliſhment, or call-in Popery and Arbitrary Power in the End, to ſupport her.

This we have lived to ſee accompliſhed at this Hour; and bluſh to find Numbers openly profeſſing the Proteſtant Faith, liſting under the Banners of Popery, to perfect the Reformation. But this was the natural Tendency of ſuch impious Doctrines, and an Ambition for Power, warranted neither by the Goſpel, nor the Laws of the Land.

Land. Upon theſe Principles, the Treaſon, the Perjury, and Rebellion of the High Church and their Pupils, at this Time, gives no Manner of Surpriſe to the thinking part of Mankind. But the Conduct of the profeſſ'd Papiſts is ſomewhat extraordinary. One would think that this Caſt of Men ſhould have been very wary in engaging in ſo deſperate an Exploit. The many execrable Attempts made, not only upon the Conſtitution, but likewiſe upon the Perſons of our Princes, have long ſince blotted them out of the Roll of Protection, and call'd loudly for Vengeance. The *Smithfield Fires* of the bloody *Mary*; the repeated Plots againſt Queen *Elizabeth*; the *Spaniſh* Invaſion; the Powder-Conſpiracy; the ſuſpicious Exit of *James* I. by Plaſter and Potions *; the matchleſs Ingratitude of the Popiſh Crew, in the Murder of *Charles* II. who ſkreen'd them from Juſtice at the Expence of his Honour, and his People's Love;—ſhould, in the natural Courſe of Revenge, have been repaid with a total Extirpation of their Perſons or Principles; and how at preſent they can hope to eſcape the Indignation of a Proteſtant Parliament, is left to them to conſider.

It has been talk'd with Aſſurance, that there are many Conſtitution Papiſts in this Kingdom, who had rather live with ſome Reſtrictions under our gentle

* From the evidence on this subject that is distinctly stated in Ralph's History of England, it seems highly probable that King Charles the Second was poisoned by some Romish Priests, to prevent the execution of a design he had formed to recall the Duke of Monmouth and receive him again into favour. This design the King had communicated to his favourite mistress, the Dutchess of Portsmouth, and she had revealed it to her Popish Confessor, as the Dutchess declared about ten years after in the reign of King William the Third.

Laws,

Laws, than ſettle in a foreign Country, even with a free Enjoyment of their Religion. But let ſuch credulous Wretches know, that it is as impoſſible for a Papiſt to be diſintereſted in the Affair of Religion, or cool in the Advancement of what they Blaſphemouſly call the Holy Cauſe, as for a Miſer to be eaſy in the ſight of Gold, without coveting it, or a Glutton to be contented with a ſlender Meal, when a Feaſt is in view.

I ſhall conclude with one Inſtance of their Holy Rage, to ſhow the Sentiments of that inhuman Race; and that is the *Motto*, which, Tradition tells us, was impreſſed on the Catholick Banners, in order to be diſplayed, if the accurſed Powder-plot had been duly executed by thoſe Devils Incarnate.

The Motto, or rather Curſe, runs thus:

In Nomine Divæ Mariæ!
Corruat Eccleſia Angliæ Schiſmatica!
Pereat, non ſine Pontificis
Opt. Max. Numine, Jacobus,
Fidei ſubverſor, unà cum Stirpe Regiâ!
Deleatur Senatus!
Cujuſcunque Ordinis Hæretici Exterminentur!
Reſtauretur denique per Cædes, per ſtrages, per Ruinas, Romana Fides, verè Apoſtolica!

In plain Engliſh *thus:*

Let the *Schiſmatical*, (*viz.* the Proteſtant) Church of *England*, become an Heap of Ruins!

Let *James*, the Subverter of the Faith, together with his Royal Iſſue, be deſtroyed by the holy Influence and Approbation of the *Pope*!

Let the very Name of Parliaments be blotted-out!

Let

Let Hereticks of all degrees be exterminated!
And the truely Apoſtolical Romiſh Religion at length be reſtored by Blood, by Ruin, and by Devaſtation!

This gives us ſo painful an Image of the brutal Cruelty of the Papiſts, that a warm Imagination cannot well be truſted with proper Animadverſions upon it: The naked expreſſions carry ſo much Horror along with them, that they want no Colours to enliven them.

End of the Introduction to the Second Edition of the Debates on the Excluſion-Bill, publiſhed in the Year 1716.

AN ACCOUNT OF THE SENTIMENTS OF THE PRINCE AND PRINCESS OF ORANGE, CONCERNING THE REPEAL OF THE TEST-ACT IN ENGLAND, BY WHICH PAPISTS WERE EXCLUDED FROM HOLDING CIVIL AND MILITARY EMPLOYMENTS; TO WHICH REPEAL THEY WERE SOLLICITED BY KING JAMES II. IN THE YEAR 1687, TO GIVE THEIR CONSENT.

Extracted from Biſhop Burnet's History of his Own Times, Vol. II. from Page 432 to 453.

The King was every day ſaying, "that he was King, and he would be obeyed, and would make thoſe who oppoſed him feel that he was their King:" And he had both Prieſts and flatterers about him, that were ſtill puſhing him forward. All men grew melancholy with this ſad proſpect. The hope of the true Proteſtants was in the King's two daughters; chiefly on the eldeſt, who was out of his reach, and was known to be well-inſtructed, and very zealous in matters of religion. The Princeſs Anne was ſtill very ſteadfaſt and regular in her devotions, and was very exemplary in the courſe of her life. But, as care had been taken to put very ordinary Divines about her for her Chaplains, ſo ſhe had never purſued any ſtudy in thoſe points with much application. And, all her Court being put about her by the King and Queen, ſhe was beſet with ſpies. It was therefore much apprehended, that ſhe would be ſtrongly aſſaulted, when all other deſigns would ſo far ſucceed as to make that ſeaſonable. In the mean while

The King wrote to the Princess of Orange about religion.

ſhe was let-alone by the King, who was indeed a very kind and indulgent Father to her. Now he reſolved to make his firſt attack on the Princeſs of Orange. D'Albeville went-over to England in the ſummer, and did not come-back before the twenty-fourth of December, Chriſtmas Eve. And then he gave the Princeſs a letter from the King, bearing date the fourth of November. He was to carry this letter: And his diſpatches being put-off longer than was intended, that made this letter come ſo late to her.

The King took the riſe of his letter from a queſtion ſhe had put to D'Albeville, deſiring to know what were the grounds upon which the King himſelf had changed his religion. The King told her, he was bred-up in the doctrine of the Church of England by Dr. Stewart, whom the King, his father, had put about him; in which he was ſo zealous, that, when he perceived the Queen, his Mother, had a deſign upon the Duke of Glouceſter, tho' he preſerved ſtill the reſpect that he owed her, yet he took care to prevent it. All the while that he was beyond ſea, no Catholick, but one Nun, had ever ſpoken one word to perſuade him to change his religion: And he continued for the moſt part of that time firm to the doctrine of the Church of England. He did not then mind thoſe matters much: And, as all young people are apt to do, he thought it a point of honour not to change his religion. The firſt thing that raiſed ſcruples in him was, the great devotion that he had obſerved among Catholicks: He ſaw they had great helps for it: They had their Churches better adorned, and did greater acts of charity, than he had ever ſeen among Proteſtants. He alſo obſerved, that many of them changed their courſe of life, and became good Chriſtians, even tho' they continued to live ſtill

in

in the world. This made him firſt begin to examine both religions. He could ſee nothing in the three reigns in which religion was changed in England, to incline him to believe that they who did it were ſent of God. He read the hiſtory of that time, as it was writ in the Chronicle. He read both Dr. Heylin, and Hooker's preface to his Eccleſiaſtical Policy, which confirmed him in the ſame opinion. He ſaw clearly, that Chriſt had left an infallibility in his Church, againſt which "the gates of Hell cannot prevail:" And it appeared that this was lodged with St. Peter from our Saviour's words to him, St. Mat. xvi. ver. 18. Upon this the certainty of the Scriptures, and even of Chriſtianity itſelf, was founded. The Apoſtles acknowledged this to be in St. Peter, Act xv. when they ſaid, "It ſeemed good to the Holy Ghoſt and to us." It was the Authority of the Church that declared the Scriptures to be Canonical: And certainly they who declared them could only interpret them: And whereever this infallibility was, there muſt be a clear ſucceſſion. The point of the infallibility being once ſettled, all other controverſies muſt needs fall. Now the Roman Church was the only Church that either has infallibility, or that pretended to it. And they who threw-off this authority did but open a door to Atheiſm and Infidelity, and took people off from true devotion, and ſet even Chriſtianity itſelf looſe to all that would queſtion it, and to Socinians and Latitudinarians who doubted of every thing. He had diſcourſed of theſe things with ſome Divines of the Church of England; but had received no ſatisfaction from them. The Chriſtian Religion gained its credit by the miracles which the Apoſtles wrought, and by the holy lives and ſufferings of the Martyrs, whoſe blood was the ſeed of the

Church. Whereas Luther and Calvin, and thoſe who had ſet-up the Church of England, had their heads fuller of temporal matters than of ſpiritual, and had let the world looſe to great diſorder. Submiſſion was neceſſary to the peace of the Church. And, when every man will expound the Scriptures, this makes way to all ſects, who pretended to build upon it. It was alſo plain, that the Church of England did not pretend to infallibility: Yet ſhe acted as if ſhe did: For ever ſince the Reformation ſhe had perſecuted thoſe who differed from her, Diſſenters as well as Papiſts, more than was generally known. And he could not ſee why Diſſenters might not ſeparate from the Church of England, as well as ſhe had done from the Church of Rome. Nor could the Church of England ſeparate herſelf from the Catholick Church, any more than a County of England could ſeparate it ſelf from the reſt of the Kingdom. This, he ſaid, was all that his leiſure allowed him to write. But he thought that theſe things, together with the King his brother's papers, and the Dutcheſs's papers, might ſerve, if not to juſtify the Catholick Religion to an unbiaſſed judgement, yet at leaſt to create a favourable opinion of it.

I read this letter in the original: For the Prince ſent it to me together with the Princeſs's anſwer, but with a charge not to take a copy of either, but to read them over as often as I pleaſed; which I did till I had fixed both pretty well in my memory. And, as ſoon as I had ſent them back, I ſat-down immediately to write out all that I remembered; which the Princeſs owned to me afterwards, when ſhe read the abſtracts I made, were punctual almoſt to a tittle. It was eaſy for me to believe that this letter was all of the King's enditing; for I had heard it almoſt in the very ſame words from his

own

own mouth. The letter was writ very decently, and concluded very modeſtly. The Princeſs received this letter, as was told me, on the twenty-fourth of December at night. Next day, being Chriſtmas day, ſhe received the Sacrament, and was during the greateſt part of the day in publick devotions: Yet ſhe found time to draw, firſt, an anſwer, and then to write it out fair: And ſhe ſent it by the poſt on the twenty-ſixth of December. Her draught, which the Prince ſent me, was very little blotted or altered. It was long, about two ſheets of paper: For, as an anſwer runs generally out into more length than the paper that is to be anſwered, ſo the ſtrains of reſpect, with which her letter was full, drew it out to a greater length.

Which ſhe anſwered.

She began with anſwering another letter that ſhe had received by the poſt; in which the King had made an excuſe for failing to write the former poſt-day. She was very ſenſible of the happineſs of hearing ſo conſtantly from him: For no difference in religion could hinder her from deſiring both his bleſſing and his prayers, tho' ſhe was ever ſo far from him. As for the paper that M. Albeville delivered her, he told her, that his Majeſty would not be offended, if ſhe wrote her thoughts freely to him upon it.

She hoped, he would not look-on that as want of reſpect in her. She was far from ſticking to the religion in which ſhe was bred out of a point of honour: for ſhe had taken much pains to be ſettled in it upon better grounds. Thoſe of the Church of England who had inſtructed her, had freely laid before her that which was good in the Romiſh Religion, that ſo, ſeeing the good and the bad of both, ſhe might judge impartially; according to the Apoſtle's rule of "proving all things, and holding faſt that which was good." Tho' ſhe had

come young out of England, yet ſhe had not left behind her either the deſire of being well informed, or the means for it. She had furniſhed herſelf with books, and had thoſe about her who might clear any doubts to her. She ſaw clearly in the Scriptures, that ſhe muſt work her own ſalvation with fear and trembling, and that ſhe muſt not believe in the faith of another, but according as things appeared to herſelf. It ought to be no prejudice againſt the Reformation, if many of thoſe who profeſſed it led ill lives. If any of them lived ill, none of the principles of their religion allowed them in it. Many of them led good lives, and more might do it by the grace of God. But there were many devotions in the Church of Rome, on which the Reformed could ſet no value.

She acknowledged, that, if there was an infallibility in the Church, all other controverſies muſt fall to the ground. But ſhe could never yet be informed where that infallibility was lodged: Whether in the Pope alone, or in a General Council, or in both. And ſhe deſired to know in whom the Infallibility reſted, when there were two or three Popes at a time, acting one againſt another, with the aſſiſtance of Councils, which they called General: And at leaſt the ſucceſſion was then much diſordered. As for the authority that is pretended to have been given to St. Peter over the reſt, that place which was chiefly alledged for it was otherwiſe interpreted by thoſe of the Church of England, as importing only the confirmation of him in the office of an Apoſtle, when in anſwer to that queſtion, "Simon, "ſon of Jonas, loveſt thou me," he had by a triple confeſſion waſhed-off his triple denial. The words that the King had cited were ſpoken to the other Apoſtles as well as to him. It was agreed by all, that the Apoſtles

Apoſtles were infallible, who were guided by God's holy Spirit. But that gift, as well as many others, had ceaſed long ago. Yet in that St. Peter had no authority over the other Apoſtles: Otherwiſe St. Paul underſtood our Saviour's words ill, who "withſtood "him to his face, becauſe he was to be blamed." And if St. Peter himſelf could not maintain that authority, ſhe could not ſee how it could be given to his ſucceſſors, whoſe bad lives agreed ill with his doctrine.

Nor did ſhe ſee, why the ill uſe that ſome made of the Scriptures ought to deprive others of them. It is true, all ſects made uſe of them, and find ſomewhat in them that they draw-in to ſupport their opinions: Yet for all this our Saviour ſaid to the Jews, "ſearch the Scriptures;" and St. Paul ordered his Epiſtles to be read to all the Saints in the Churches; and he ſays in one place, "I write as to wiſe men; judge what I ſay." And, if they might judge an Apoſtle, much more any other teacher. Under the law of Moſes, the Old Teſtament was to be read, not only in the hearing of the Scribes and the Doctors of the law; but likewiſe in the hearing of the women and children. And, ſince God had made u reaſonable creatures, it ſeemed neceſſary to employ our reaſon chiefly in the matters of the greateſt concern. Tho' faith was above our reaſon, yet it propoſed nothing to us that was contradictory to it. Every one ought to ſatisfy himſelf in theſe things; As our Saviour convinced Thomas, by making him to thruſt his own hand into the print of the nails, not leaving him to the teſtimony of the other Apoſtles, who were already convinced. She was confident, that, if the King would hear many of his own ſubjects, they would fully ſatisfy him as to all thoſe prejudices, that he had againſt the Reformation; in which nothing was acted tumultuouſly, but all was done

according to law. The deſign of it was only, to ſeparate from the Roman Church, in ſo far as it had ſeparated from the primitive Church: In which they had brought things to as great a degree of perfection, as thoſe corrupt ages were capable of. She did not ſee how the Church of England could be blamed for the perſecution of the Diſſenters: For the laws made againſt them were made by the State, and not by the Church: And they were made for crimes againſt the State. Their enemies had taken great care to foment the diviſion, in which they had been but too ſucceſsful. But, if he would reflect on the grounds upon which the Church of England had ſeparated from the Church of Rome, he would find them to be of a very different nature from thoſe, for which the Diſſenters had left it.

Thus, ſhe concluded, ſhe gave him the trouble of a long account of the grounds upon which ſhe was perſwaded of the truth of her religion: In which ſhe was ſo fully ſatisfied, that ſhe truſted, by the Grace of God, that ſhe ſhould ſpend the reſt of her days in it: And ſhe was ſo well aſſured of the truth of our Saviour's words, that ſhe was confident the gates of hell ſhould not prevail againſt it, but that he would be with it to the end of the world. All ended thus, that the religion which ſhe profeſſed taught her her duty to him, ſo that ſhe ſhould ever be his moſt obedient daughter and ſervant.

To this the next return of the poſt brought an anſwer from the King, which I ſaw not. But the account that was ſent me of it was: The King took notice of the great progreſs he ſaw the Princeſs had made in her enquiries after thoſe matters: The King's buſineſs did not allow him the time that was neceſſary to enter into the detail of her letter: He deſired, ſhe would read thoſe books that he had mentioned to her in his former

former letters, and ſome others that he intended to ſend her: And, if ſhe deſired to be more fully ſatisfied, he propoſed to her to diſcourſe about them with F. Morgan, an Engliſh Jeſuit then at the Hague.

I have ſet down very minutely every particular that was in thoſe letters, and very near in the ſame words. It muſt be confeſſed, that perſons of this Quality ſeldom enter into ſuch a diſcuſſion. The King's letter contained a ſtudied account of the change of his religion, which he had repeated often: And it was, perhaps, prepared for him by ſome others. There were ſome things in it, which, if he had made a little more reflection on them, it may be ſuppoſed he would not have mentioned. The courſe of his own life was not ſo ſtrict, as to make it likely that the good lives of ſome Papiſts had made ſuch impreſſions upon him. The eaſy abſolutions that are granted in that Church are a much juſter prejudice in this reſpect againſt it, than the good lives of a few can be ſuppoſed to be an argument for it. The adorning their Churches, was a reflection that did no great honour to him that made it. The ſeverities uſed by the Church of England, againſt the Diſſenters, were urged with a very ill grace by one of the Church of Rome, that has delighted herſelf ſo often by being, as it were, bathed with the blood of thoſe they call hereticks: And, if it had not been for the reſpect that a daughter paid her father, here greater advantages might have been taken. I had a high opinion of the Princeſs's good underſtanding, and of her knowledge in thoſe matters, before I ſaw this letter: But this ſurprized me: It gave me an aſtoniſhing joy, to ſee ſo young a perſon, all on the ſudden, without conſulting any one perſon, to be able to write ſo ſolid and learned a letter, in which ſhe mixed with the reſpect

Reflections on these letters,

reſpect that ſhe paid a father ſo great a firmneſs, that by it ſhe cut-off all further treaty. And her repulſing the attack, that the King made upon her, with ſo much reſolution and force, did let the Popiſh party ſee, that ſhe underſtood her religion as well as ſhe loved it.

A proſecution ſet-on againſt me.

But now I muſt ſay ſomewhat of myſelf: After I had ſtaid a year in Holland, I heard from many hands, that the King ſeemed to forget his own greatneſs when he ſpoke of me; which he took occaſion to do very often. I had publiſhed ſome account of the ſhort Tour I had made, in ſeveral letters; in which my chief deſigns was to expoſe both Popery and Tyranny. The book was well received, and was much read; And it raiſed the King's diſpleaſure very high.

My continuing at the Hague made him conclude, that I was managing deſigns againſt him. And ſome papers in ſingle ſheets came-out, reflecting on the proceedings of England, which ſeemed to have a conſiderable effect on thoſe who read them. Theſe were printed in Holland: And many copies of them were ſent into all the parts of England. All which inflamed the King the more againſt me; for he believed they were writ by me, as indeed moſt of them were. But that which gave the criſis to the King's anger was, that he heard I was to be married to a conſiderable fortune at the Hague. So a project was formed to break this, by charging me with high-treaſon for correſponding with Lord Argile, and for converſing with ſome that were outlawed for high-treaſon.

The King ordered a letter to be writ in his name to his Advocate in Scotland, to proſecute me for ſome probable thing or other; which was intended only to make a noiſe, not doubting but this would break the intended marriage. A ſhip coming from Scotland the day

day in which this profecution was ordered, that had a quick paſſage, brought me the firſt news of it, long before it was ſent to D' Albeville. So I petitioned the States, who were then ſitting, to be naturalized in order to my intended marriage. And this paſt of courſe, without the leaſt difficulty; which perhaps might have been made, if this profecution, now begun in Scotland, had been known. Now I was legally under the protection of the States of Holland. Yet I writ a full juſtification of myſelf, as to all particulars laid to my charge, in ſome letters that I ſent to the Earl of Middleton. But in one of theſe I ſaid, that, being now naturalized in Holland, my allegiance was, during my ſtay in theſe parts, transferred from his Majeſty to the States. I alſo ſaid in another letter, that, if, upon my non-appearance, a ſentence ſhould paſs againſt me, I might be, perhaps, forced to juſtify myſelf, and to give an account of the ſhare that I had in affairs theſe twenty years paſt: In which I might be led to mention ſome things, that, I was afraid, would diſpleaſe the King: And therefore I ſhould be ſorry, if I were driven to it.

Now the Court thought they had ſomewhat againſt me; For they knew they had nothing before. So the firſt citation was let fall, and a new one was ordered on theſe two accounts. It was pretended to be high-treaſon, to ſay my allegiance was now transferred: And it was ſet-forth, as a high indignity to the King, to threaten him with writing a hiſtory of the tranſactions paſt theſe laſt twenty years. The firſt of theſe ſtruck at a great point, which was a part of the law of Nations. Every man that was naturalized took an oath of allegiance to the Prince, or State, that naturalized him. And, ſince no man can ſerve two maſters, or be under a double allegiance,

allegiance, it is certain, that there muſt be a transfer of allegiance, at leaſt during the ſtay in the country where one is ſo naturalized.

This matter was kept-up againſt me for ſome time, the Court delaying proceeding to any ſentence for ſeveral months. At laſt a ſentence of outlawry was given: And upon that Albeville ſaid, that, if the States would not deliver me up, he would find ſuch inſtruments as ſhould ſeize on me, and carry me away forcibly. The methods he named of doing this were very ridiculous. And he ſpoke of it to ſo many perſons, that I believed his deſign was rather to frighten me, than that he could think to effect them. Many overtures were made to ſome of my friends in London, not only to let this proſecution fall, but to promote me, if I would make myſelf capable of it. I entertained none of theſe. I had many ſtories brought me of the diſcourſes among ſome of the brutal Iriſh, then in the Dutch ſervice. But, I thank God, I was not moved with them. I reſolved to go-on, and to do my duty, and to do what ſervice I could to the publick, and to my Country: And reſigned myſelf up entirely to that Providence, that had watched over me to that time with an indulgent care, and had made all the deſigns of my enemies againſt me turn to my great advantage.

Of the year 1688. I come now to the year 1688, which proved memorable, and produced an extraordinary and unheard-of Revolution. The year in this Century made all people reflect on the ſame year in the former Century, in which the power of Spain received ſo great a check, that the decline of that Monarchy began then; and England was ſaved from an invaſion, that, if it had ſucceeded as happily as it was well laid, muſt have ended

ended in the abſolute conqueſt and utter ruin of the Nation. Our books are ſo full of all that related to that Armada, boaſted to be invincible, that I need add no more to ſo known and ſo remarkable a piece of our hiſtory. A new eighty-eight raiſed new expectations, in which the ſurpriſing events did far exceed all that could have been looked-for.

I begin the year with Albeville's negotiation after his coming to the Hague. He had, before his going-over, given-in a threatning memorial upon the buſineſs of Bantam, that looked like a prelude to a declaration of war; for he demanded a preſent anſwer, ſince the King could no longer bear the injuſtice done him in that matter, which was ſet-forth in very high words. He ſent this memorial to be printed at Amſterdam, before he had communicated it to the States. The chief effect that this had was, that the Actions of the Company did ſink for ſome days. But they roſe ſoon again: And by this it was ſaid, that Albeville himſelf made the greateſt gain. The Eaſt-India fleet was then expected home every day. So the Merchants, who remembered well the buſineſs of the Smirna fleet in the year ſeventy-two, did apprehend that the King had ſent a fleet to intercept them, and that this memorial was intended only to prepare an apology for that breach, when it ſhould happen: But nothing of that ſort followed upon it. The States did anſwer this memorial with another, that was firm, but more decently expreſſed: By their laſt treaty with England it was provided that, in caſe any diſpute ſhould ariſe between the Merchants of either ſide, Commiſſioners ſhould be named on both ſides to hear and judge the matter. The King had not yet named any of his ſide: So that the delay lay at his door. They were therefore amazed to receive

Albeville's memorial to the States.

receive a memorial in ſo high a ſtrain; ſince they had done all that by the treaty was incumbent on them. Albeville after this gave-in another memorial, in which he deſired them to ſend over Commiſſioners for ending that diſpute. But, tho' this was a great fall from the height in which the former memorial was conceived, yet in this the thing was ſo ill apprehended, that the Dutch had reaſon to believe that the King's Miniſters did not know the treaty, or were not at leiſure to read it: For, according to the treaty, and the preſent poſture of that buſineſs, the King was obliged to ſend over Commiſſioners to the Hague to judge of that affair. When this memorial was anſwered, and the treaty was examined, the matter was let fall.

Albeville's next negociation related to myſelf. I had printed a paper in juſtification of myſelf, together with my letters to the Earl of Middleton. And he, in a memorial, complained of two paſſages in that paper. One was, that I ſaid it was yet too early to perſecute men for religion, and, therefore, crimes againſt the State were pretended by my enemies: This, he ſaid, did inſinuate, that the King did in time intend to perſecute for religion. The other was, that I had put in it an intimation, that I was in danger by ſome of the Iriſh Papiſts. This, he ſaid, was a reflection on the King, who hated all ſuch practices. And to this he added, that, by the laws of England, all the King's ſubjects were bound to ſeize on any perſon, that was condemned in his Courts, in what manner ſoever they could: And therefore he deſired, that both I and the printer of that paper might be puniſhed. But now upon his return to the Hague, I being outlawed by that time, he demanded, that, in purſuance of an article of the treaty that related to rebels or fugitives, I might be baniſhed the Provinces.

vinces. And to this he craved once and again a ſpeedy anſwer.

I was called before the Deputies of the States of Holland, that I might anſwer the two memorials that lay before them relating to myſelf. I obſerved the difference between them. The one deſired, that the States would puniſh me, which did acknowledge me to be their Subject. The other, in contradiction to that, laid claim to me as the King's rebel. As to the particulars complained-of, I had made no reflection on the King; but to the contrary. I ſaid, my enemies found it was not yet time to perſecute for religion. This inſinuated, that the King could not be brought to it. And no perſon could be offended with this, but he who thought it was now not too early to perſecute. As to that of the danger which I apprehended myſelf to be in, I had now more reaſon than before to complain of it, ſince the Envoy had ſo publickly affirmed, that every one of the King's ſubjects might ſeize on any one that was condemned, in what manner ſoever they could, which was either dead or alive. I was now the ſubject of the States of Holland, naturalized in order to a marriage among them, as they all knew: And, therefore, I claimed their protection. So, if I was charged with any thing that was not according to law, I ſubmitted myſelf to their juſtice. I ſhould decline no trial, nor the utmoſt ſeverity, if I had offended in any thing. As for the two memorials that claimed me as a fugitive and a rebel, I could not be looked-upon as a fugitive from Scotland. It was now fourteen years ſince I had left that Kingdom, and three ſince I came out of England with the King's leave. I had lived a year in the Hague openly; and nothing was laid to my charge. As for the ſentence that was pretended to

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be paſt againſt me, I could ſay nothing to it, till I ſaw a copy of it.

The States anſwer to what related to me.

The States were fully ſatisfied with my anſwers; and ordered a memorial to be drawn according to them. They alſo ordered their Embaſſador to repreſent to the King that he himſelf knew how ſacred a thing Naturalization was. The faith and honour of every State was concerned in it. I had been naturalized upon marrying one of their ſubjects, which was the juſteſt of all reaſons. If the King had any thing to lay to my charge, juſtice ſhould be done in their Courts. The King took the matter very ill; and ſaid, it was an affront offered him, and a juſt cauſe of war. Yet, after much paſſion, he ſaid, he did not intend to make war upon it; for he was not then in a condition to do it. But he knew there were deſigns againſt him, to make war on him, againſt which he ſhould take care to ſecure himſelf; And he ſhould be on his guard. The Embaſſador aſked him, of whom he meant that. But he did not think fit to explain himſelf further. He ordered a third Memorial to be put-in againſt me, in which the article of the treaty was ſet-forth: But no notice was taken of the anſwers made to that by the States: But it was inſiſted-on, that, ſince the States were bound not to give ſanctuary to fugitives and rebels, they ought not to examine the grounds on which ſuch judgements were given, but were bound to execute the treaty. Upon this it was obſerved, that the words in treaties ought to be explained according to their common acceptation, or the ſenſe given them in the civil law, and not according to any particular forms of Courts, where for non-appearance a writ of outlawry, or rebellion might lie: The ſenſe of the word *Rebel* in common uſe was, a man that had born arms, or had plotted againſt

againſt his Prince: And a *Fugitive* was a man that fled from juſtice. The heat with which the King ſeemed inflamed againſt me, carried him to ſay and do many things that were very little to his honour.

I had advertiſements ſent me of a further progreſs in his deſigns againſt me. He had it ſuggeſted to him, that, ſince a ſentence was paſt againſt me for non-appearance, and the States refuſed to deliver me up, he might order private perſons to execute the ſentence as they could: And it was writ over very poſitively, that 5000*l.* would be given to any one that ſhould murder me. A Gentleman of an unblemiſhed reputation writ me word, that he himſelf, by accident, ſaw an order drawn in the Secretary's Office, but not yet ſigned, for 3000*l* to a blank perſon that was to ſeize, or deſtroy, me. And he alſo affirmed, that Prince George had heard of the ſame thing, and had deſired the perſon to whom he truſted it to convey the notice of it to me: And my author was employed by that perſon to ſend the notice to me. The King aſked Jefferies, what he might do againſt me in a private way, now that he could not get me into his hands. Jefferies anſwered, he did not ſee how the King could do any more than he had done. He told this to Mr. Kirk to ſend it to me; for he concluded, the King was reſolved to proceed to extremities, and only wanted the opinion of a man of the Law to juſtify a more violent method. I had ſo many different advertiſements ſent me of this that I concluded a whiſper of ſuch a deſign might have been ſet-about, on deſign to frighten me into ſome mean ſubmiſſion, or into ſilence at leaſt. But it had no other effect on me, but that I thought fit to ſtay more within doors, and to uſe a little more than ordinary caution. I thank God, I was very little con- N.B.

cerned at it. I reſigned up my life very freely to God. I knew my own innocence, and the root of all the malice that was againſt me. And I never poſſeſſed my own ſoul in a more perfect calm, and in a clearer cheerfulneſs of ſpirit, than I did during all thoſe threatnings, and the apprehenſions that others were in concerning me.

Pensioner Fagel's letter to Mr. Steward, an eminent Scotchman taken into favour by King James.

Soon after this a letter writ by Fagel, the Penſioner of Holland, was printed: Which leads me to look back a little into a tranſaction that paſſed in the former year. There was one Steward, a lawyer of Scotland, a man of great parts, and of as great ambition. He had given over the practice of the law, becauſe all that were admitted to the Bar in Scotland were required to renounce the Covenant; which he would not do. This recommended him to the confidence of that whole party. They had made great uſe of him, and truſted him entirely. Pen had engaged him, (who had been long conſidered by the King, as the chief manager of all the rebellions and plots, that had been on foot theſe twenty years paſt, more particularly of Argile's) to come over: And he undertook, that he ſhould not only be received into favour, but into confidence. He came, before he croſſed the Seas, to the Prince, and promiſed an inviolable fidelity to him, and to the common intereſts of religion and liberty. He had been oft with the Penſioner, and had a great meaſure of his confidence. Upon his coming to Court, he was careſſed to a degree that amazed all who knew him. He either believed, that the King was ſincere in the profeſſions he made, and that his deſigns went no further, than to ſettle a full liberty of conſcience: Or he thought, that it became a man who had been ſo long in diſgrace, not to ſhew any jealouſies at firſt, when the King

King was ſo gracious to him. He undertook to do all that lay in his power to advance his deſigns in Scotland, and to repreſent his intentions ſo at the Hague, as might incline the Prince to a better opinion of them.

He opened all this in ſeveral letters to the Penſioner. And in theſe he preſſed him vehemently, in the King's name, and by his direction, to perſuade the Prince to concur with the King in procuring the laws to be repealed. He laid before him the inconſiderable number of the Papiſts: So that there was no reaſon to apprehend much from them. He alſo enlarged on the ſeverities that the penal laws had brought on the Diſſenters. The King was reſolved not to conſent to the repealing them, unleſs the Teſts were taken-away with them: So that the refuſing to conſent to this might at another time bring them under another ſevere proſecution. Steward, after he had writ many letters to this purpoſe without receiving any anſwers, tried if he could ſerve the King in Scotland, with more ſucceſs, than it ſeemed he was like to have at the Hague. But he found there, that his old friends were now much alienated from him, looking on him as a perſon entirely gained by the Court.

The Penſioner laid all his letters before the Prince. They were alſo brought to me. The Prince upon this thought, that a full anſwer made by Fagel, in ſuch a manner as that it might be publiſhed as a declaration of his intentions, might be of ſervice to him in many reſpects; chiefly in Popiſh Courts, that were, on civil accounts, inclined to an alliance againſt France, but were now poſſeſſed with an opinion of the Prince, and of his party in England, as deſigning nothing but the

ruin and extirpation of all the Papiſts in thoſe Kingdoms. So the Penſioner wrote a long anſwer to Steward, which was put in Engliſh by me.

The ſentiments of the Prince and Princeſs of Orange, concerning the Laws againſt Papiſts and Proteſtant Diſſenters.

He began it with great aſſurances of the Prince and princeſs's duty to the King. They were both of them much againſt all perſecution on the account of religion. They freely conſented to the covering Papiſts from the ſeverities of the laws made againſt them, on the account of their religion, and alſo that they might have the free exerciſe of it in private. They alſo conſented to grant a full liberty to Diſſenters. But they could not conſent to the repeal of thoſe laws, that tended only to the ſecuring the Proteſtant religion; ſuch as thoſe concerning the Teſts, which imported no puniſhment, but only an incapacity of being in publick employments, which could not be complained-of as great ſeverities. This was a caution obſerved in all Nations, and was now neceſſary, for ſecuring both the publick peace and the eſtabliſhed religion. If the numbers of the Papiſts were ſo ſmall as to make them inconſiderable, then it was not reaſonable to make ſuch a change for the ſake of a few. And if thoſe few, that pretended to publick employments, would do all their own party ſo great a prejudice, as not to ſuffer the King to be content with the repeal of the penal laws, unleſs they could get into the offices of truſt, then their ambition was only to be blamed, if the offers now made were not accepted. The matter was very ſtrongly argued thro' the whole Letter: And the Prince and Princeſs's zeal for the Proteſtant Religion was ſet-out in terms, that could not be very acceptable to the King. The Letter was carried by Steward to the King, and was brought by him into the cabinet-council. But nothing follow-

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ed then upon it. The King ordered Steward to write back, that he would either have all or nothing. All the Lay-Papiſts of England, who were not engaged in the intrigues of the Prieſts, preſſed earneſtly that the King would accept of the repeal of the penal laws; which was offered, and would have made them both eaſy and ſafe for the future. The Emperor was fully ſatisfied with what was offered; and promiſed to uſe his intereſt at Rome, to get the Pope to write to the King to accept of this, as a ſtep to the other: But I could not learn whether he did it, or not. If he did, it had no effect. The King was in all points governed by the Jeſuits, and the French Embaſſador. N. B. N. B.

Father Petre, as he had been long in the confidence, was now brought to the Council-board, and made a Privy Counſellor: And it was given-out, that the King was reſolved to get a Cardinal's Cap for him, and to make him Archbiſhop of York. The Pope was ſtill firm to his reſolution againſt it. But it was hoped that the King would conquer it, if not in the preſent, yet at furtheſt in the next Pontificate. The King reſolved at the ſame time not to diſguſt the Secular Prieſts: So Biſhop Leyburn, whom Cardinal Howard had ſent-over with the Epiſcopal character, was made much uſe of in appearance, tho' he had no great ſhare in the counſels. There was a faction formed between the Seculars and the Jeſuits, which was ſometimes near breaking-out into an open rupture. But the King was ſo partial to the Jeſuits, that the others found they were not on equal terms with them. There were three other Biſhops conſecrated for England. And theſe four were ordered to make a progreſs and circuit over England, confirming, and doing other Epiſcopal offices, in all Father Petre made a Counſellor

The confidence of the Jeſuits.

the parts of England. Great numbers gathered about them, whereſoever they went.

The Jeſuits thought all was ſure, and that their ſcheme was ſo well laid that it could not miſcarry. And they had ſo poſſeſſed that contemptible tool of theirs, Albeville, with this, that he ſeemed, upon his return to the Hague, to be ſo ſanguine, that he did not ſtick to ſpeak-out, what a wiſer man would have ſuppreſſed though he had believed it. One day, when the Prince was ſpeaking of the promiſes the King had made, and the oath that he had ſworn, to maintain the laws and the eſtabliſhed Church, he, inſtead of pretending that the King ſtill kept his word, ſaid, "upon ſome occaſions Princes muſt forget their promiſes." And, when the Prince ſaid, that the King ought to have more regard to the Church of England, which was the main body of the Nation, Albeville anſwered, "that the body which he called the Church of England would not have being two years to an end." Thus he ſpoke-out the deſigns of the Court, both too early and too openly. But at the ſame time he behaved himſelf in all other reſpects ſo poorly, that he became the jeſt of the Hague. The foreign Miniſters, Mr. D'Avaux the French Embaſſador not excepted, did not know how to excuſe, or bear with, his weakneſs, which appeared on all occaſions and in all companies.

The Penſioner's letter was printed, and was received with univerſal joy all over England.

What he wrote to England upon his firſt audiences was not known. But it was ſoon after ſpread up and down the Kingdom, very artificially and with much induſtry, that the Prince and Princeſs had now conſented to the repeal of the Teſts, as well as of the penal laws. This was writ over by many hands to the Hague. The Prince, to prevent the ill effects that might follow

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on ſuch reports, gave orders to print the Penſioner's letter to Steward; which was ſent to all the parts of England, and was received with an univerſal joy. The Diſſenters ſaw themſeves now ſafe in his intentions towards them. The Church-party was confirmed in their zeal for maintaining the Teſts. And the Lay-Papiſts ſeemed likewiſe to be ſo well pleaſed with it, that they complained of thoſe ambitious Prieſts, and hungry Courtiers, who were reſolved, rather than lay-down their aſpirings and other projects, to leave them ſtill expoſed to the ſeverities of the laws, though a freedom from theſe was now offered to them. But it was not eaſy to judge, whether this was ſincerely meant by them, or if it was only a popular art, to recommend themſelves under ſuch a moderate appearance. The Court ſaw the hurt that this Letter did them. At firſt they hoped to have ſtifled it by calling it an impoſture. But, when they were driven from that, the King began to ſpeak ſeverely and indecently of the Prince, not only to all about him, but even to foreign Miniſters: And reſolved to put ſuch marks of his Indignation upon him, as ſhould let all the world ſee how deep it was.

ANOTHER EXTRACT FROM BISHOP BURNET'S HISTORY OF HIS OWN TIMES, CONTAINING AN ACCOUNT OF THE DEATH OF KING CHARLES THE SECOND, AND THE GROUNDS FOR SUPPOSING THAT HE WAS POISONED.

1685. A new scheme of government.

THERE was at this time a new ſcheme formed, that very probably would have for ever broken the King and the Duke. But how it was laid was ſo great a ſecret, that I could never penetrate into it. It was laid at Lady Portſmouth's. Barillon and Lord Sunderland were the chief managers of it. Lord Godolphin was alſo in it. The Duke of Monmouth came-over ſecretly. And, tho' he did not ſee the King, yet he went-back very well pleaſed with his journey. But he never told his reaſon to any, that I know of. Mr. May, of the privy-purſe, told me, that he was told there was a deſign to break-out, with which he himſelf would be well-pleaſed: And when it was ripe, he was to be called-on to come and manage the King's temper, which no man underſtood better than he did; for he had been bred about the King ever ſince he was a child: And, by his poſt, he was in the ſecret of all his amours; but was contrary to his notions in every thing elſe, both with relation to Popery, to France, and to Arbitrary government. Yet he was ſo true to the King, in that leud confidence in which he employed him, that the King had charged him never to preſs him

him in any thing, ſo as to provoke him. By this means he kept all this while much at a diſtance; for he would not enter into any diſcourſe with the King on matters of ſtate, till the King began with him. And he told me, he knew, by the King's way, that things were not yet quite ripe, nor he thoroughly fixed on the deſign. That with which they were to begin was, the ſending the Duke to Scotland. And it was generally believed, that, if the two brothers ſhould be once parted, they would never meet again. The King ſpoke to the Duke concerning his going to Scotland: And he anſwered, that there was no occaſion for it: Upon which the King replied, that either the Duke muſt go, or that he himſelf would go thither.

The King was obſerved to be more than ordinarily penſive. And his fondneſs to Lady Portſmouth increaſed, and broke-out in very indecent inſtances. The Grand Prior of France, the Duke of Vendome's brother, had made ſome application to that Lady, with which the King was highly offended. It was ſaid, the King came-in on a ſudden, and ſaw that which provoked him: So he commanded him immediately to go out of England. Yet, after that, the King careſſed her in the view of all people, which he had never done on any occaſion, or to any perſon, formerly. The King was obſerved to be colder and more reſerved to the Duke than ordinary. But "what was under all this" was ſtill a deep ſecret. Lord Halifax was let into no part of it. He ſtill went-on againſt Lord Rocheſter. He complained in council, that there were many razures in the books of the Treaſury, and that ſeveral leaves were cut-out of thoſe books: And he moved the King to go to the Treaſury-chamber, that the books might be laid before him, and that he might judge of the matter upon

Feb. 2, 1684-5. upon ſight. So the King named the next Monday. And it was then expected, that the Earl of Rocheſter would have been turned-out of all, if not ſent to the Tower. And a meſſage was ſent to Mr. May, then at Windſor, to deſire him to come to Court that day, which it was expected would prove a critical day. And it proved to be ſo indeed, tho' in a different way.

The King's ſickness. All this winter the King looked better than he had done for many years. He had a humour in his leg, which looked like the beginning of the gout: So that for ſome weeks he could not walk, as he uſed to do generally, three or four hours a day in the Park; which he did commonly ſo faſt, that, as it was really an exerciſe to himſelf, ſo it was a trouble to all about him to hold-up with him. In the ſtate the King was in, he, not being able to walk, ſpent much of his time in his laboratory, and was running a proceſs for the fixing of Mercury. On the firſt of February, being a Sunday, he eat little all day, and came to Lady Portſmouth at night, and called for a porringer of ſpoon-meat. It was made too ſtrong for his ſtomach. So he eat little of it: And he had an unquiet night. In the morning one Dr. King, a Phyſician and a Chymiſt, came, as he had been ordered, to wait on him. All the King's diſcourſe to him was ſo broken, that he could not underſtand what he meant. And the Doctor concluded, he was under ſome great diſorder, either in his mind, or in his body. The Doctor, amazed at this, went-out, and, meeting with the Lord Peterborough, he ſaid, the King was in a ſtrange humour; for he did not ſpeak one word of ſenſe. Lord Peterborough deſired he would go-in again to the bedchamber, which he did. And he was ſcarce come-in, when the King, who

who ſeemed all the while to be in great confuſion, fell-down all of a ſudden in a fit like an Apoplexy: He looked black, and his eyes turned in his head. The Phyſician, who had been formerly an eminent Surgeon, ſaid, it was impoſſible to ſave the King's life, if one minute was loſt: He would rather venture on the rigour of the law, than leave the King to periſh. And ſo he let him blood. The King came out of that fit: And the phyſicians approved what Dr. King had done: Upon which the Privy Council ordered him a thouſand pound; which yet was never paid him. Tho' the King came out of that fit, yet the effects of it hung ſtill upon him, ſo that he was much oppreſſed. And the phyſicians did very much apprehend the return of another fit, and that it would carry him off: So they looked on him as a dead man. The Biſhop of London ſpoke a little to him, to diſpoſe him to prepare for whatever might be before him, to which the King anſwered not a word. But that was imputed partly to the Biſhop's cold way of ſpeaking, and partly to the ill opinion they had of him at Court, as too buſy in oppoſition to Popery. Sancroft made a very weighty exhortation to him; in which he uſed a good degree of freedom, which, he ſaid, was neceſſary, ſince he was going to be judged by one who was no reſpecter of perſons. To him the King made no anſwer neither; nor yet to Ken, tho' the moſt in favour with him of all the Biſhops. Some imputed this to an inſenſibility; of which too viſible an inſtance appeared, ſince Lady Portſmouth ſat in the bed, taking care of him as a wife of a huſband. Others gueſſed truer, that it would appear he was of another religion. On Thurſday a ſecond fit returned. And then the phyſicians told the Duke, that the King was not like to live a day to an end. Feb. 5, 1684-5.

The

He received the Sacraments from a Popiſh Priest.

The Duke immediately ordered Hudleſton, the Prieſt that had a great hand in ſaving the King at Worceſter fight, (for which he was excepted out of all ſevere acts that were made againſt Prieſts,) to be brought to the lodgings under the bed-chamber. And when he was told what was to be done, he was in great confuſion; for he had no hoſtie about him. But he went to another Prieſt, that lived in the Court, who gave him the pix with an hoſtie in it. But that poor Prieſt was ſo frighted, that he run out of Whitehall in ſuch haſte that he ſtruck againſt a poſt, and ſeemed to be in a fit of madneſs with fear. As ſoon as Hudleſton had prepared every thing that was neceſſary, the Duke whiſpered the King in the ear. Upon that the King ordered that all who were in the bed chamber to withdraw, except the Earls of Bath, and Feverſham: And the door was double-locked. The company was kept-out half an hour: Only Lord Feverſham opened the door once, and called for a glaſs of water. Cardinal Howard told me at Rome, that Hudleſton, according to the relation that he ſent thither, made the King to go thro' ſome acts of contrition, and, after ſuch a confeſſion as he could then make, he gave him Abſolution and the other Sacraments. The hoſtie ſtuck in his throat: And that was the occaſion of calling for a glaſs of water. He alſo gave him extream Unction. All muſt have been performed very ſuperficially, ſince it was ſo ſoon ended. But the King ſeemed to be at great eaſe upon it. It was given-out, that the King ſaid to Hudleſton, that he had ſaved him twice, firſt his body, and now his ſoul; and that he aſked him, if he would have him declare himſelf to be of their Church. But it ſeems he was prepared for this, and ſo diverted the King from it; and ſaid, he took it upon him to ſatisfy the world in that particular.

particular. But, tho', by the principles of all religions whatſoever, he ought to have obliged him to make open profeſſion of his religion, yet, it ſeems, the conſequences of that were apprehended; for without doubt that poor Prieſt acted by the directions that were given him. The company was ſuffered to come in. And the King went through the agonies of Death with a calm and a conſtancy, that amazed all who were about him, and knew how he had lived. This made ſome conclude, that he had made a will, and that his quiet was the effect of that. Ken applied himſelf much to the awaking the King's conſcience. He ſpoke with a great elevation, both of thought and expreſſion, like a man inſpired, as thoſe who were preſent told me. He reſumed the matter often, and pronounced many ſhort ejaculations and prayers, which affected all that were preſent, except him that was the moſt concerned; who ſeemed to take no notice of him, and made no anſwers to him. He preſſed the King ſix or ſeven times to receive the Sacrament. But the King always declined it, ſaying, he was very weak. A table, with the elements upon it ready to be conſecrated, was brought into the room; which occaſioned a report to be then ſpread about, that he had received it. Ken preſſed him to declare that he deſired it, and that he died in the Communion of the Church of England. To that he anſwered nothing. Ken aſked him, if he deſired Abſolution of his ſins. It ſeems the King, if he then thought any thing at all, thought that would do him no hurt. So Ken pronounced it over him: For which he was blamed, ſince the King expreſſed no ſenſe of ſorrow for his paſt life, nor any purpoſe of amendment. It was thought to be a proſtitution of the peace of the Church, to give it to one, who, after a life led as the King's had been,

ſeemed

ſeemed to harden himſelf againſt every thing that could be ſaid to him. Ken was alſo cenſured for another piece of indecency: He preſented the Duke of Richmond, Lady Portſmouth's ſon, to be bleſſed by the King. Upon this some that were in the room cried-out, "the King was their common father." And, upon that, all kneeled down for his bleſſing; which he gave them. The King ſuffered much inwardly, and ſaid, he

N. B. was burnt-up within; of which he complained often, but with great decency. He ſaid once, he hoped he ſhould climb-up to heaven's gates, which was the only word ſavouring of religion that he was heard to ſpeak.

He gathered all his ſtrength to ſpeak his laſt words to the Duke, to which every one hearkened with great attention. He expreſſed his kindneſs to him, and that he now delivered all over to him with great joy. He recommended Lady Portſmouth over and over again to him. He ſaid, he had always loved her, and he loved her now to the laſt; and beſought the Duke, in as melting words as he could fetch-out, to be very kind to her and to her ſon. He recommended his other children to him: And concluded, "let not poor Nelly ſtarve;" that was Mrs. Gwyn. But he ſaid nothing of the Queen, nor any one word of his people, or of his ſervants: Nor did he ſpeak one word of religion, or concerning the payment of his debts, tho' he left behind him about 90,000 guineas, which he had gathered, either out of the privy purſe, or out of the money which was ſent him from France, or by other methods, and which he had kept ſo ſecretly that no perſon whatſoever knew any thing of it.

His death. He continued in the agony till Friday at eleven a clock, being the ſixth of February, 1684-5; and then died in the fifty-fourth year of his age, after he had reigned

reigned, if we reckon from his father's death, thirty-ſix years, and eight days; or, if we reckon from his Reſtoration, twenty-four years, eight months, and nine days. There were many very apparent ſuſpicions of his being poiſoned: For, tho' the firſt acceſs looked like an apoplexy, yet it was plain in the progreſs of it that it was no apoplexy. When his body was opened, the phyſicians who viewed it were, as it were, led, by thoſe who might ſuſpect the truth, to look upon the parts that were certainly ſound. But both *Lower* and *Needham*, two famous phyſicians, told me, they plainly diſcerned two or three blue ſpots on the outſide of the ſtomach. *Needham* called twice to have it opened: But the ſurgeons ſeemed not to hear him. And when he moved it the ſecond time, he, as he told me, heard *Lower* ſay to one that ſtood next him, "Needham will undo us, calling thus to have the ſtomach opened; for he may ſee they will not do it." They were diverted to look to ſomewhat elſe: And, when they returned to look upon the ſtomach, it was carried-away: So that it was never viewed. *Le Fevre*, a French phyſician, told me, he ſaw a blackneſs in the ſhoulder: Upon which he made an inciſion, and ſaw it was all mortified. *Short*, another phyſician, (who was a Papiſt, but after a form of his own,) did very much ſuſpect foul dealing: And he had talked more freely of it, than any of the Proteſtants durſt do at that time. But he was, not long after, taken ſuddenly ill, upon a large draught of wormwood wine, which he had drunk in the houſe of a Popiſh patient, that lived near the Tower, who had ſent for him; of which he died. And, as he ſaid to *Lower*, *Millington*, and ſome other phyſicians, he believed that he himſelf was poiſoned, for his having ſpoken ſo freely of the King's death. The N. B.

King's

King's body was indecently neglected. Some parts of his inwards, and ſome pieces of the fat, were left in the water in which they were waſhed: All which were ſo careleſsly looked-after, that, the water being poured-out at a ſcullery-hole that went to a drain, in the mouth of which a grate lay, theſe were ſeen lying on the grate many days after. His funeral was very mean. He did not lie in ſtate: No mournings were given: And the expense of it was not equal to what an ordinary Nobleman's funeral will riſe to. Many upon this ſaid, that he deſerved better from his brother, than to be thus ungratefully treated in ceremonies that are publick, and that make an impreſſion on thoſe who ſee them, and who will make ſevere obſervations and inferences on ſuch omiſſions. But, ſince I have mentioned the ſuſpicions of poiſon, as the cauſe of his death, I muſt add, I never heard any lay thoſe ſuſpicions on his brother. But his dying ſo critically, as it were in the minute in which he ſeemed to begin a turn of affairs, made it be generally the more believed, and that the Papiſts had done it, either by the means of ſome of Lady Portſmouth's ſervants, or, as ſome fancied, by poiſoned ſnuff; for ſo many of the ſmall veins of the brain were burſt, that the brain was in great diſorder, and no judgment could be made concerning it. To this I ſhall add a very ſurpriſing ſtory *, that I had in November, 1709, from Mr. Henly of Hampſhire. He told me, that, when the Dutcheſs of Portſmouth came-over to England in the year 1699, he heard, that ſhe had talked as if King Charles had been poiſoned; which he deſiring to have from her own mouth, ſhe gave him this account of it. She was always preſſing the King to make both himſelf

* This is added to the original in a loose sheet.

and

and his people eaſy, and to come to a full agreement with his Parliament: And he was come to a final reſolution of ſending away his brother, and of calling a Parliament; which was to be executed the next day after he fell into that fit of which he died. She was put upon the ſecret, and ſpoke of it to no perſon alive, but to her Confeſſor: But the Confeſſor, ſhe believed, told it to ſome, who, ſeeing what was to follow, took that wicked courſe to prevent it. Having this from ſo worthy a perſon, as I have ſet it down without adding the leaſt circumſtance to it, I thought it too important not to be mentioned in his hiſtory. It diſcovers both the knavery of Confeſſors, and the practices of Papiſts, ſo evidently, that there is no need of making any further reflections on it. N. B.

THE

PAPISTS'

BLOODY OATH OF SECRECY

AND

LITANY OF INTERCESSION

FOR

ENGLAND:

With the Manner of taking the Oath, upon their entring into any *Grand Conſpiracy* againſt the *Proteſtants*.

As it was taken in the Chapel belonging to *Barnbow*-Hall, the Reſidence of Sir *Thomas Gaſcoigne*, from *William Ruſhton*, a Popiſh Prieſt.

BY ROBERT BOLRON, GENT.

JOVIS 16° DIE DECEMBRIS, 1680.

Ordered,

THAT *Mr.* Robert Bolron *have Liberty from this Houſe, to print and publiſh the ſaid* Oath of Secrecy and Litany.

W. Goldſbrough, *Cler.* D. C.

LONDON:

Printed in the Year 1680. Reprinted for S. SLOW, and Sold over-againſt *St. Clement's* Church in the *Strand.* 1745.

Jovis 16 *Die Decembris* 1680.

A Petition of Mr. *Robert Bolron*, desiring Leave from *This house*, to print the *PAPISTS' Oath of Secrecy*, and *Litany of Intercession for England* therein mentioned, was Read.

Ordered,

That Mr. Robert Bolron *have Liberty from This House to Print and Publish the said* OATH OF SECRECY *and* LITANY.

William Goldsbrough,
Cler. Dom. Com.

The

THE

INFORMATION, &c.

AFTER the antient Piety, Zeal, and Strictneſs of Life, exemplary in the Primitive Chriſtians, had, in a meaſure, put the Dominion of this World, and the Keys of the next, into the Hands of the Clergy; Care of gaining Souls became, in a few Centuries, obſoleted: The former illuſtrious Times of Virtue vaniſhed, and a gloomy Night of Ignorance ſoon overſpread the Univerſe. The Clergy, the Authors of this Unhappineſs, (finding their Religion and Greatneſs muſt be maintained by Power and Policy; and conſcious to themſelves, that their Lives and Doctrine held no good Correſpondence with the Purity and Poverty of their Predeceſſors,) took a Courſe (becauſe they had little left of their own) to trade with the Piety of the Ages paſt, and prop-up their own Ignorance and Sloth by that Means. To work they go; they make Gods of the deceaſed Propagators of Chriſtianity, and enſhrine their Rotten Bones, or thoſe of others, in Caſes of Gold and Silver. The next Thing was, to perſuade or compel the People to adore them. In this Erecting a new Order of Demi-gods, they imitated the *Pagans* in their Wickedneſs, but not in their Virtue or Valour, and clapped the feſtivals of theſe new Pa-Gods into the Calendar in Places of the old Holy-days of *Saturn*,

Minerva, and *Bacchus*, &c. This Project anſwered Expectation; they grew greater, but not better. The Miracles pretendedly wrought at thoſe Shrines, and Multitude of Ceremonies, dazled the Vulgar, ſupported the Reputation, and ſupplied the Defect of the Clergy. The glorious Lives, Wonders, and Martyrdoms, of the Antients were made into Mantles to hide the Ignorance, Luſt, and Avarice, of worthleſs Impoſtors; and Laws every-where were made to reſtrain Men from peeping into the Ark of the Church. And, to ſtrip Princes privily of their Power, and to draw their Subjects to other Dependencies, numerous Orders and Societies are conjured-up, (as though the Laiety had not groaned enough under the Seculars,) to erect a kingdom in every Kingdom for the Pope, and to ſupply him in every Corner with a Villain Spiritual, to ſtab or poiſon what Potentates he pleaſes.

Things thus jogg'd-on till the Days of our Grandfathers; when in *England* the Pope and his Clergy were ſecluded, and it was made Death for any *Romiſh* Prieſt to enter the Realm. Yet, ſince, they have not only come hither, but, by Help of Factors and Proſelytes, have acquired great Eſtates in theſe Kingdoms, and are now endeavouring to deſtroy us all, and introduce *Popery*.

This is as clear as Noon-day, by many Teſtimonies, among which, this Oath following is a moſt notorious Evidence, on which I ſhall make ſome Remarks.

THE OATH OF SECRECY,

Given by *William Ryſhton*, to me *Robert Bolron*, the ſecond of *February* 16[7]6-7.

In the Name of the Father, and of the Son, and of the Holy Ghoſt. Amen.

I, ROBERT BOLRON. *being in the Preſence of Almighty* God, *the Bleſſed* Mary *ever Virgin, the Bleſſed* Michael *the Archangel, the Bleſſed St.* John Baptiſt, *the holy Apoſtles, St.* Peter *and St.* Paul, *and all the Saints in Heaven, and to you my Ghoſtly Father; do declare, and in my Heart believe, the* Pope, Chriſt's *Vicar-General, to be the true, and only, Head of* Chriſt's *Church here on earth; and that, by Virtue of the Keys of Binding and Loosing, given his Holineſs by our Saviour* Chriſt, *he hath Power to depoſe all heretical Kings and Princes, and cauſe them to be killed. Therefore, to the utmoſt of my Power, I will defend this Doctrine, and his Holineſs's Rights, againſt all Uſurpers whatever; eſpecially againſt the now pretended King of* England, *in regard that he hath broke his Vows with his Holineſs's Agents* N. B.

beyond Seas, and not performed his Promises, in bringing into England *the Holy* Roman Catholick *Religion. I do renounce and disown any Allegiance as due to the said pretended King of* England, *or Obedience to any of his inferior Officers and Magistrates; but do believe the* Proteſtant *Doctrine to be heretical and damnable, and that all are damned which do not forsake the same; and, to the best of my Power, will help his Holiness's Agents here in* England, *to extirpate, and root-out the said*

N. B. Proteſtant *Doctrine, and to destroy the said pretended King of* England, *and all such of his Subjects, as will not adhere to the Holy See of* Rome, *and the Religion there professed. I further do promise and declare, That I will keep secret and private, and not divulge, directly nor indirectly, by Word, Writing, or Circumstance, whatever shall be proposed, given in Charge, or discovered, to me by you my Ghostly Father, or any other engaged in the promoting of this pious and holy Design; and that I will be active, and not desist from the carrying of it on: And that no hopes of Rewards, Threats, or Punishments, shall make me discover the rest concerned in so pious a Work; and, if discovered, shall never confess any Accessaries, with myself concerned in this Design. All which I do swear by the Blessed Trinity, and by the Blessed Sacrament, (which I now purpose*

to

to receive,) to perform, and, on my Part, to keep inviolable: And do call all the Angels, and Saints in Heaven, to witness my real Intention to keep this Oath. In Testimony whereof, I do receive this most Holy and Blessed Sacrament of the Eucharist.

It is manifeſt, that the Grandees of the *Roman* Church make no more Account of Religion, than the Profit and Convenience it brings along with it, are able to compense: Yet they ever begin with a Holy *Canticum*, *In nomine Patris*; by ſuch Means inducing the People to ſwallow their gilded Pills, or Poiſons rather, to the Deſtruction oftentimes of Body and Soul too.

In this wicked Thing call'd an Oath, they blaſphemouſly ſet-up the *Blessed Mary*, St. *Michael*, St. *John*, St. *Peter*, St. *Paul*, and *Rushton*, the prieſt, in an equal Claſſis with God Almighty; but mention not Chriſt, till they come to declare the Pope to be his Vicar, and that thereby the Pope hath Letters-Patents, to impower him to do what he ſhall think fit, in Heaven, Hell, Earth, and in Purgatory; to depoſe and kill heretick Kings, yea, and Catholick ones too, when he wants Opportunity to advance a Harlot, a Baſtard, or a Nephew. In ſuch Caſes, a *Chastel*, a *Clement*, a *Ravilliack*, or a *Pickering*, are ever ready to tranſmit whom he pleaſes into

another

another World, whilſt himſelf, without ſuch Help, but not without Money, puts a Soul into Heaven, or pulls one out of Purgatory.

Indeed this Oath is its own Herald, is its own Comment; every Word of it is Rebellion, Treason, and Murder, ſtiled hypocritically *Pious and holy Designs*; it was ſtampt in the Mint of the *Jesuits*, and is a very notable Comment upon that Oath, which bleſſed *Ignatius Loyola* impoſed upon his ſpiritual *Mamaluks*, and may give us to underſtand, that *Romish* Wickedness is ſublimated ſince thoſe Days into a much higher Spirit of Treachery and Impiety. The Oath then made to the Father General is as followeth.

Ego *N.* Profeſſionem facio, & promitto omnipotenti Deo, coràm ejus Virgine Matre, & univerſâ cœleſti Curiâ, ac omnibus circumſtantibus; & tibi Patri Reverendo *N.* Præpoſito Generali Societatis *Jesu*, Locum Dei tenenti, & Succeſſoribus tuis, vel tibi Reverendo Patri, Vice Præpoſito Generali Societatis *Jesu*, & Succeſſoribus tuis, Locum Dei tenenti, perpetuam Paupertatem, Caſtitatem, & Obedientiam, & ſecundùm eas, peculiarem Curam, circà Puerorum Eruditionem, juxtà Formam vivendi in Literis Apoſtolicis Societatis *Jesu*, & in ejus Conſtitutionibus contentam; inſupèr promitto ſpecialem Obedientiam Summo Pontifici circà Miſſiones,

proùt

proût in eiſdem Literis Apoſtolicis & Conſtitutionibus continetur.

Which is Engliſhed thus:

I, N. *make my Profeſſion, and promiſe to the Omnipotent* God, *before his Virgin-Mother, and all the whole Court of Heaven, and all that here ſtand-by, and to you our Reverend Father, the Father* General of the Society of* Jeſus, God's *Lieutenant, and to your Succeſſors, (or to you Reverend Father, in Place of the Provoſt General of the Society of* Jeſus, God's *Lieutenant, and his Succeſſors) perpetual Poverty, Chaſtity, and Obedience; and accordingly, peculiar Care in the Erudition of Youth, conſentaneous to the Form of Living, contained in the Apoſtolick Letters of* the Society of* Jeſus, *and in the Conſtitutions thereof. Moreover, I promiſe ſpecial Obedience to the* Pope, *concerning Miſſions, as contained in the ſame Apoſtolick Letters and Conſtitutions.*

* rather Provoſt.

* rather concerning.

Our new Explanation, or Expoſition, far exceeds the old Text, and is a Superſtructure upon that priſtine Foundation of Villainy, erected ſince thoſe Times. The Bleſſed Trinity, the Holy Sacrament, and the whole Hoſt of Heaven, are made Packing-horſes for impious Mortals in the ungodly, uncharitable, Anti-chriſtian, Works of ruining Kings, Kingdoms, and all Mankind

Mankind beſides themſelves, only to ſet-up the Court of *Rome*, and a deſpotick Power. Theſe horrid Impieties (but that we are promiſed the Gates of Hell ſhall not prevail againſt them) might make conſcientious Men, with Trembling, preſage and dread, That the Ruin of *Christianity* is not far off. Theſe Men, when they ſwear their miſled proſelites into Treaſons, Murders, Felonies, and Secrecy, little mind to conſider what is taught in Holy Writ concerning an Oath, *Jerem.* v. 2. *And thou shalt swear, the Lord liveth in Truth, in Judgment, and in Righteousness,* &c. What Regard theſe Oaths have to Truth, Judgment, and Righteouſneſs, let the Reader take notice, and proceed to obſerve one unparallel'd Clauſe in the Oath, *viz.* *And that no Hopes of Reward, Threats, or Punishments, shall make me discover the rest concerned in so pious a Work; and, if discovered, shall never confess any Accessaries with myself concerned in this Design.*

Here they lead their Proſelites into a Labyrinth of Wickedneſs; but then they leave them no Way or Means to diſingage themſelves or others out of it, and conſequently to be hanged and damned afterwards. This may learn the moſt wilful and moſt obſtinate Charity, to have a care how it extends itſelf, in believing the Words of the dying *Jesuits* and others. *Discite Justitiam moniti*, and let it teach all good *Protestants* the Nature of

of theſe *Romiſh* Wolves, who, though they change their Hair, will never change their Hearts.

Now having given an account of the Oath of Secrecy, next I will render you an Account, how the *Jeſuits*, and *Popiſh* prieſts do inſinuate themſelves into the Hearts of thoſe, that they enſnare to engage in this damnable Deſign; which particularly, being exemplified in my own ſelf, may ſerve as Inſtructions, how others were induced and encouraged to propagate their helliſh Principles: The Relation is as followeth.

About the latter End of *January*, 1676, *Thomas Thwing*, a Prieſt, and *William Rushton*, anothor *Popiſh* Prieſt who was my Ghoſtly Father, came to my Houſe at *Shippon-Hall* in *Yorkshire*, and did there examine me, how I was affected and did like the *Romiſh* Religion, ſince I was of it, and, if there were any Occaſion, What would I do for the Good of that Religion? To whom I replied, That I was ſo well affected to the *Romiſh* Religion, that I would venture my Life and Eſtate in the Management of any Deſign whatſoever, for the Good of that *RELIGION*. The Prieſts then ſaid, That they were glad to hear me in ſo good a Humour, and did heartily wiſh, that all the *Catholicks* in *England* were of my Mind; and further did tell me, that all *England* in a little Time would be *Roman-Catholicks*; for that the Duke of *York*, next Heir to the Crown, had renounced the *Proteſtant* Religion:

Religion; Therefore Force was to be uſed, for the more ſpeedy bringing him to the Crown.

N.B. But added, that, before I could be any further acquainted with the Particulars of this Deſign, I muſt firſt take the aforementioned Oath of Secrecy, which all good *Catholicks* muſt take; for, if any *Catholicks* did refuſe it, they could not be permitted to know of their Deſigns and Contrivances: For that Sir *Thomas Gascoigne*, *Thomas Gascoigne*, Eſquire, and other Gentlemen, had taken the ſame, and engaged themſelves, and given Security for their reſpective Performances.

Then I told the ſaid Prieſts, "that I would not deny to take it; for I would obey my Ghoſtly Father in all Things." And *Candlemas-day*, 1676, I did accordingly go to *Barnbow*-Hall, as was formerly agreed, where I did hear Maſs, and take the Oath of Secrecy from the Hands of my Ghoſtly Father, to be private, and keep ſecret the Deſign of killing his Sacred Majeſty, and the Deſtruction of all ſuch *Protestants*, as would not be of the *Romish* Religion; which Oath of Secrecy is before related, and is the true Copy of the ſaid Oath as I got it from the ſaid *Rushton* accidentally, the very ſame Day it was miniſtered unto me by him.

Before I did take the Oath of Secrecy, I did go to Confeſſion, where my Ghoſtly Father in my ſaid Confeſſion did tell me, that I muſt believe,

believe, *That it was a mortal Sin to reveal what was told me by my Ghostly Father in my Confession, and that I was certainly damned, if ever I did discover the Concerns of this Design, or taking the said Oath of Secrecy.*

But after I had taken the ſaid *Oath of Secrecy*, and was acquainted with the Deſign, whenever I went to Confeſſion, my Ghoſtly Father would be ſure to examine me, how I had kept my Oath; upon which, if my Father Confeſſor did judge, that I had not ſo truly kept the ſame, as I ought to have done, then muſt I have taken the ſame Oath over-again. Beſides, my Ghoſtly Father did frequently teach me how to make uſe of Equivocations and mental Reſervations.

First, How to defend myſelf againſt the *Protestants*, if I were aſked by a Stranger, Whether Mr. *Rushton* were a Prieſt? that then I might lawfully deny it, or, upon Oath before a Magiſtrate, I might poſitively deny my Knowledge of *Rushton* to be a *Popish* Prieſt: But then I muſt privately to myſelf make uſe of this Equivocation, "That I did not ſee the ſaid *Rushton* take his Orders beyond Sea; therefore could not ſwear him to be a Prieſt." And then followed the Benefit of Abſolution for this or any other Service done for the Good of the *Romish* Religion.

And indeed my Penance in Confeſſion was once enjoined me by Father *Rushton* to laſh myſelf with a Cat-of-nine-tails, becauſe I did not deny with

with Aſſeverations, to one Mr. *Burman*, that he was no *Popish* Prieſt; although I did not confeſs the ſame to Mr. *Burman*, yet he alledged, that I did it but faintly, and therefore that ſhould be my Penance.

Secondly, If reproach'd by the *Protestants*; "that they of the *Romish* Religion made no Conſcience to deſtroy thoſe that were of contrary Opinion to them;" that then with Imprecations I might lawfully deny the ſame; only making uſe of this Reservation to myſelf, that I muſt deny any Thing which is againſt the Intereſt of the Church.

Thirdly, That ſince the Diſcovery of this *Popish plot*, if I did at any Time hear the *Protestants* diſcourſe, that they of the *Romish* Church did teach the murthering of Kings and Princes, and that the King was to have been murthered by the *Papists*, that then I muſt vindicate the *Romish* Religion, arguing, that ſuch Doctrine the *Papists* held not, with Reſervation to myſelf, that I muſt not own ſuch a Deſign, unleſs effected, believing that *Protestants*, being Hereticks, had no Power to examine me, neither was I oblig'd to anſwer directly to the Queſtion.

The Ceremonies, Manner, and Form used in the taking of the said Oath of Secrecy, *is thus;*

At the Chappel Door, did ſprinkle myſelf with Holy Water, and then went into the Chappel, where, bowing towards the Altar, I made the Sign of the Croſs, and ſaid, *Sprinkle me with Hyſſop, and I ſhall be cleanſed; waſh me, and I ſhall be whiter than Snow*; Then kneeling, I made the Sign of the Croſs, and ſaid, *In the Name of the Father, and of the Son, and of the Holy Ghoſt*, Amen. After that, I ſaid certain Prayers uſed before Confeſſion; and, at the Concluſion, made again the Sign of the Croſs; which being ended I went into the veſtry, where, kneeling, I aſked my Ghoſtly Father's Bleſſing, as Children uſually do their Parents. Then, after that, I made again the Sign of the Croſs, and then had the Benefit of Confeſſion, and Abſolution from my Sins, and then I went into the Chappel, and ſaid Prayers before Receiving the Sacrament.

But when Maſs was ſaid, I did not communicate with the reſt there preſent, although the Sacrament was conſecrated for me; but, after the reſt were gone, then *William Rushton*, my Ghoſtly Father, called me to the Altar, where, bowing my Body and kneeling, I made the Sign of the *Croſs*; then I kiſs'd the Maſs-Book, and laid my

Right-Hand upon it, and ſo had the *Oath of Secrecy* given me by my Ghoſtly Father, *Rushton*, repeating it after him. But at theſe Words, *In Testimony whereof I do receive this most Holy and Blessed Sacrament of the Eucharist*; *Rushton* put the Sacrament into my Mouth, and ſaid this little *Latin* Prayer following:

Corpus Domini nostri Jeſu Chriſti *custodiat animam tuam in Vitam æternam.* Amen.

Then again I kiſs'd the Maſs-Book, held in the prieſt's Hand, but held my Hand on the Maſs-Book all the Time I was taking the Oath aforeſaid; and, after that, riſing, bowed my body to the Altar in an humble Manner, and ſo returned to my Place again

Now, after I had taken the ſaid *Oath of Secrecy*, *Rushton* went again into the Veſtry, to ſay his Prayers on his *Breviary*; but I continued ſtill in the Chappel to ſay my Prayers uſed after the taking of the Sacrament. Then, after *Rushton*, my Confeſſor, came-forth out of the Veſtry, he went towards his own Chamber, whither I followed him; but, Sir *Thomas Gascoigne* haſtily calling the ſaid *Rushton*, he laid-down his *Breviary* in his Cloſet, to which was no door, and is ſituate near his Chamber; which ſaid *Breviary* I taking up, found therein the ſaid *Oath of Secrecy*; of which Oath I had a ſufficient Time to take a true Copy, and it

is

is the real Copy which is before recited ; although when I took the Copy of the ſaid Oath, I never intended that any *Proteſtant* ſhould have ſeen it.

The ſame Day were hallowed for myſelf two Piſtols, which were to be made uſe of, for the Deſtruction of the *Proteſtant* Party, if the *Roman Catholick* Religion had prevailed in *England.*

There were alſo Swords, Guns and Piſtols hallowed for *Thomas Gascoigne*, Eſq; and others engaged in the *Popish Plot.* And in the ſaid Month of *February*, I had an *Indulgence*, or *Pardon* for *Thirty Thousand* Years, given me by the ſaid *Rushton*, my Ghoſtly Father, for my Encouragement in my Proceedings of being ſo zealous againſt his Majeſty and Government ; and the Penance enjoined me was, to ſay every Day a *Litany*, for the Interceſſion, and Converſion of *England*; but, if I did twice a Day ſay the ſaid *Litany*, then ſhould I each Day redeem a Soul out of *Purgatory*, But I have heard my Ghoſtly Father ſay, that ſome *Catholicks* had their *Indulgencies* for *Fifty Thousand Years*, others a *Plenary Indulgence* to encourage them to be firmer to this Deſign. Such a *Plenary Indulgence* I did ſee in the Hands of Mr. *Mowbray*, about the latter End of *January*, 1676-7. And the *Litany of Intercession for* England is as follows:

The LITANY *of Intercession for* ENGLAND.

LORD have Mercy on us,

Christ hear us,

Chriſt have Mercy on us,

Lord have Mercy on us,

O Christ hear us,

O Father of Mercy, and God of all Conſolation.

Have Mercy on England.

O Son Redeemer of the World, and of all Things in Heaven and Earth, the Pacifier, *Have Mercy*, &c.

Holy *Mary*, Mother of God, and Mother of Mercy,

Pray for England.

Holy *Mary*, who haſt deſtroyed all Hereſies, *pray*, &c.

Holy Virgin of Virgins, famous in *England* for many Miracles, *pray*, &c.

St. *Michael*, Prince of the Church, *pray*, *&c.*

St. *Gabriel*, privy to the Myſteries of God, *pray*, *&c.*

St. *Raphael*, faithful Guide of Travellers, *pray*, *&c.*

Holy Angel, Prince of *England*, *pray*, *&c.*

St.

St. *John Baptist*, Maſter and Form of Penance, *pray*, &c.

All Holy Patriarchs and Prophets, Friends of God and Preachers of Truth, *pray*, &c.

St. *Peter*, Paſtor of Sheep, and Prince of the Apoſtles, *pray*, &c.

St. *Paul*, Doctor of the *Gentiles* in Faith and Verity, *pray*, &c.

St. *Andrew*, Friend and Lover of the Croſs, *pray*, &c.

All Holy Apoſtles and Evangeliſts, and ſpecial Increaſers of *Chriſtianity*, Faith and Unity, *pray*, &c.

All Holy Innocents ſlain for *Chriſt*, *pray*, &c.

St. *Stephen*, *pray*, &c.

St. *Lucius*, King, *pray*, &c.

St. *Alban*, *pray*, &c.

St. *Amphibale*, *pray*, &c.

St. *Sophias*, *pray*, &c.

St. *George*, *pray*, &c.

St. *German*, *pray*, &c.

St. *Coleman*, *pray*, &c.

St. *Kylian*, *pray*, &c.

St. *Adrian*, *pray*, &c.

St. *Ethelred*, King, *pray*, &c.

St. *Tancon*, *pray*, &c.

St. *Isenger*, *pray*, &c.

St. *Edmund*, King, *pray*, &c.

St. *Edward*, King, *pray*, &c.

St. *Thomas* of *Canterbury*, *pray*, &c.

All holy Martyrs of *England, Scotland,* and *Ireland, pray, &c.*

St. *Fugatius* and *Damianus, pray, &c.*

St. *Gregory* and St. *Augustine, pray, &c.*

St. *Ethelbert,* King, *pray, &c.*

St. *Patrick* and St. *Columbe, pray, &c.*

St. *Pethno* and St. *Cuthbert, pray, &c.*

St. *Furseus* and St. *Malachy, pray, &c*

St. *John* and St. *David, pray, &c.*

St. *Brandon* and St. *Fiaker, pray, &c.*

St. *Archibald* and St. *Macarius, pray, &c.*

St. *Marianus* and St. *Alexander, pray, &c.*

St. *Bennet,* St. *Boniface,* and St. *Bede, pray, &c.*

St. *Dunstan,* St. *Henry,* and St. *Robert, pray, &c.*

St. *Richard,* St. *Roger,* and St. *Hugh, pray, &c.*

St. *Gilbert,* St. *Lanfranck,* and St. *Anselm, pray, &c.*

All Holy Biſhops, and Confeſſors, of *England, Scotland,* and *Ireland, pray, &c.*

St. *Helen,* Queen, St. *Ursula,* and St. *Agnes, pray, &c.*

St. *Bridgit,* St. *Buryen,* and St. *Tecla, pray, &c.*

St. *Agatha,* St. *Mechtil,* and St. *Maxentia, pray, &c.*

St. *Christine* and St. *Winifred, pray, &c.*

St. *Ethelred,* Queen, and St. *Margaret,* Queen, *pray, &c.*

All Holy Virgins and Martyrs, of *England, Scotland*, and *Ireland, pray, &c.*

All Bleſſed and Holy Saints of Places, *pray, &c.*

Be merciful, Spare England *Good Lord.*
Be merciful, Hear us O Lord.

From all imminent Perils of Sins, and Backſlidings,

Deliver England, *o Lord.*

From the Spirit of Pride and Apoſtacy, *deliver*, &c.

From the Spirit of Ambition, *deliver*, &c.

From the Spirit of Rebellion, *deliver*, &c.

From all Hardneſs and Blindneſs of Heart, *deliver*, &c.

From all Surfetting and Drunkenneſs, *deliver*, &c.

From the Deſires and Liberty of the Fleſh, *deliver*, &c.

From Hatred, Contempt, and Neglect of ſacred Things, *deliver*, &c.

From prophaning of Churches, and from all Sacriledge, *deliver*, &c.

From the Tyranny and Cruelty of Hereticks, which it now groans under, *deliver*, &c.

From wicked and pernicious Councils, *deliver*, &c.

We Sinners, O God of Pity, do beseech Thee to hear us.

That thou wouldſt direct the *Pope's* Holineſs, and all Prelates, to pacify and govern the Church.

O Lord, we beseech thee hear us.

That thou would'ſt be pleaſed to bring again into this Kingdom the antient Catholick, Apoſtolick, and *Roman* Faith, *O Lord,* &c.

That thou would'ſt put into the Hearts of all *Christian* Kings and Princes, Unity, Peace, and Concord; and that their fervent Zeal may be ſtirred up, to put their helping Hands to reduce it to the Obedience of the Holy See of *Rome, O Lord,* &c.

That thou wouldſt comfort, and fortify, all ſuch as ſuffer Impriſonment, Loſs of Goods, or other Affliction, for the *Catholick* Faith, *O Lord,* &c.

That neither by Frailty or Enticements, or any Torments, thou permit any of us to fall trom thee, *o Lord,* &c.

That thou wouldſt give us perfect Patience in our Afflictions, and to make Ghoſtly Profit of all our Miſeries,

o Lord, &c.

That thou wouldſt mercifully haſten the Converſion of *England, Scotland,* and *Ireland*; from

from the Infection of Hereſy and Infidelity, *o Lord*, &c.

That thou wouldſt deliver and keep in theſe Times of Perſecution, the Paſtors of our Souls, from the Hands of their Enemies, *o Lord*, &c.

That thou wouldſt daily augment in them the Fire of thy Love, and the Zeal of gaining Souls, *o Lord*, &c.

That thou wouldſt preſerve all the *Catholicks* of this Land in Holineſs of Life, and from all Manner of Sin and Scandal, *o Lord*, &c.

That thou wouldſt ſo adorn us with Holineſs of Life and Converſation, that our Enemies *ſeeing our good Works, may glorify thee our heavenly Father*, *o Lord*, &c.

That thou wouldſt reduce from Error, and Hereſy, our Parents, Friends and Benefactors, whom thou haſt ſo dearly bought with thy precious Blood, *o Lord*, &c.

That thou wouldſt illuminate the Hearts of all Schiſmaticks, which live out of the Church, to ſee the grievous Danger of their Eſtate, *o Lord*, &c.

That thou wouldſt mercifully look-down from Heaven, upon the Blood of ſo many Martyrs, as have given their Lives to convert us unto thee, *o Lord*, &c.

Jesus

Jesus Christ, Son of God, and of the Virgin *Mary*, *We beseech thee to hear us.*
Jesus Christ, Saviour and Redemer of the World *We beseech*, &c.
Lamb of God, that takeſt away the Sins of the World, *Spare us, o Lord.*
Lamb of God that takeſt away the Sins of the World, *Hear us, o Lord.*
Lamb of God that takeſt away the Sins of the World; *Have Mercy on us.*

Lord have Mercy, *Pater noster*, &c.
Chriſt have Mercy, *Et ne nos inducas*, &c.
Lord have Mercy, *Sed libera nos à malo.*

About the latter End of *October*, or the Beginning of *November*, 167, my Occaſions called me to *Leeds*-Market, within four Miles of my Habitation, and a Market that I frequently uſed: After my particular Buſineſs was done, my Curioſity led me to go, as usually I did, to a Coffee-Houſe; where, amongſt other News and Reports, I heard that one Sir *Edmundbury Godfrey*, a Juſtice of Peace at *London*, was miſſing, and that it was ſuſpected and feared, that he was murthered, or made-away, by the *Papists*.

At my Return home, I repaired to Sir *Thomas Gascoigne*'s Houſe at *Barmbow*, one Quarter

Quarter of a Mile from my Houſe, and there meeting his Son *Thomas Gascoigne*, Eſq; I acquainted him with the News I heard at *Leeds*.

Who thereupon took a Letter out of his Pocket directed to himſelf, which he ſhewed me; which Letter was ſubcribed *I. Corker*, wherein he acquainted the Eſquire in Words to this Effect: *That Sir* Edmundbury Godfrey, *had been a very busy Man, and a great Enemy to the* Catholicks; *therefore they had procured him to be destroyed.*

And ſome few Days after we had the ſame Thing confirmed in Print, *viz. That he was murthered.* Upon which, my Ghoſtly Father *William Rushton*, ſent for me, to come to Maſs at Sir *Thomas Gascoigne*'s Houſe; and at Confeſſion, did charge me to give-out. *That I heard, that Sir* Edmundbury Godfrey *was a melancholy Gentleman, and in a Discontent went into the Fields, and there murdered himself with his own Sword.*

Which accordingly I did, as Occaſion offer'd, in all Companies I happened into; but was contradicted by many; and by ſome, that it could not be, for, that his Neck was broke, which he could not do after he had murdered himſelf; nor be capable to do it, if his Neck was broke before: And, being thus run-down in my Aſſertions, I acquainted my ſaid Ghoſtly Father,

William

William Rushton, therewith, who told me, he had received new Inſtructions, which he ſhew'd me in Writing, and were to this Effect:

That Sir *Edmundbury Godfrey* was a Gentleman who had often attempted to deſtroy himſelf; that he did really hang himſelf in his own Silk-girdle, in his Chamber at the Bed's Feet; which being diſcovered, two of his Servants acquainted his Brothers therewith; who, coming thither, contrived his taking-down, and the carrying him to the Place where he was found; where they run his Corps through, on Purpoſe to throw it on the *Papists*, thereby to ſave the Eſtate to themſelves, and from being forfeited to the *King:* And that the two Servants had *Fifty Pounds* a-piece given them to keep it private. He alſo ſaid, that one of them, which was a Maid-Servant, did offer to diſcover this Contrivance to his Majeſty and Council, but that ſhe was by them rejected: Nevertheleſs, for all this, at the ſame Time, *Rushton* did own to me, that he was murthered by the *Papists*, but by what Hands he knew not; and further, he ſeemed much concerned that it was done; wiſhing it had never been done, becauſe it would make the Murther of the *King* the more difficult to be performed.

N. B.

Robert Bolron.

ROME

A GREAT

Custom House for Sin.

OR,

A TABLE of the *DISPENSATIONS* and *PARDONS* for Villainies and Wickedneſſes of various Kinds, *&c.* With the ſeveral Sums of Money given, and to be paid for them.

THE FIFTH EDITION.

BY ANTHONY EGANE, B.D.

Sometimes Confeſſor-General of the Kingdom of *IRELAND*, who was both a Spectator of, and Actor in, thoſe horrible Abuſes, before his Converſion to the Proteſtant RELIGION.

And now Reprinted for the Benefit of ſuch, as either have themſelves, or would induce others to have, too favourable Thoughts of POPERY.

To which is now added an earneſt Diſſuaſive from Romiſh *Idolatry* and *Superſtition:* wherein other Groſs *Enormities* are clearly detected.

LONDON:

Printed for JOHN MARSHALL, at the *Bible* in *Gracechurch-Street*, JOSEPH MARSHALL, at the *Bible* in *Newgate-Street*, and FERD. BURLEIGH in *Amen Corner*. 1715.

TO THE READER.

THE following TABLE *having been formerly published by one, who a great Part of his Life, wandered in the dark Mists and Fogs of* POPERY; *and was (as he himself assures us) both a Spectator of, and Actor in, those horrible Abuses, which he there exposed to public View: now ventures to come-forth again, in Hopes of producing the same good Effects, which the Author, (come to himself) proposed in its first Publication.*

I think it can never be unseasonable to expose a Religion so destructive of the Peace and Happiness of Societies; so derogatory to the Glory of God; so contrary to the main End and Purpose of Christianity; and that persecutes with such an unrelenting Barbarity (where it can) those that have the Courage and Honesty to oppose its Innovations.

There is therefore, in this Edition, added, by way of APPENDIX, *an Earnest Dissuasive from* POPERY, *as a farther Antidote against the Poison of its pernicious Principles and Practices.*

Take

Take in good Part, Reader, what is here offered thee; and, if in any thing thou shalt receive Satisfaction and Advantage, let God have the Glory, and the Editor thy Prayers.

THE AUTHOR'S

PREFACE.

I HOPE you *(that read this)* will be ſo charitable as to believe it is neither Gain nor Advantage hath invited me to lay-open this Warehouſe, and thus to publiſh the Merchandize of the Popiſh-Market; nor any hope thereby of ſupporting my own Intereſt (ſince I know well enough how many Enemies a Work of this Nature will make me among ſome Men) it being only to let the World ſee that the Abuſes that were long ſince diſcovered in the Pope's Diſpenſations, are yet ſtill in being; as is viſible enough by the Rules and Impoſts of their Chancery, being neither imaginary, nor yet forged upon the Anvil of Malice, as ſome Perſons will be ready to perſuade thoſe poor Souls, who never had any Knowledge of the Corruptions of the Court of *ROME*, nor of the Nature of its Traffick. A great Part of theſe Papers I cannot command at preſent, by reaſon of my Abſence from my native Country, or elſe I would have inſerted them all; which would have farther laid-open their abominable Practices; though perhaps this may be ſufficient (if not too much) in ſo nauſeous a Subject. The Papiſts, without doubt, will diſown it, and ſay that this is a mere Fiction, and that ſuch Things are not practiſed in their Church: but I am ready to prove, by my own Knowledge and Experience, all I here alledge to be true, and able to make good, that, as all the Arts of Man could not have

invented

invented more groſs or villainous Sins than the Popiſh Clergy do put to Sale; that none but thoſe Shrine-makers who maintain their wordly Pomp and Greatneſs by ſuch Handicrafts, could have invented ſuch a Way of wiping out Sins ſo deſtructive to a good Life, and the main Deſign of the Chriſtian Religion; ſo if you will but examine, and ſeriouſly conſider the Particulars, you will eaſily be convinced that none but themſelves could be the Authors of it. I can ſafely ſay that there are Hundreds even of the ordinary Prieſts, that know not what it Means, becauſe that theſe *Arcana Imperii* are always kept close from them, and reſerved on purpoſe for certain Perſons called Apoſtolical Pœnitentiaries, to whom the Abſolution of particular and heinous Sins is committed; (as it was to myſelf in *Ireland* within theſe few Years) and of ſuch Perſons, there may be one or two in every County or Dioceſs, who, before they receive that Power, muſt take an Oath of Secrecy never to reveal the Myſteries of their Church, but to keep them from the Knowledge not only of the Laiety, but alſo of the ordinary Prieſts and Friars, and eſpecially from any Man that is ſuſpected to be of ſo acute Parts, or of ſo much Learning or Honeſty as might make him ſcruple their Authority: And neither may it perhaps have come to the Knowledge of ſome half-witted Fellows, who, either for Lucre, or Liberty, neither ſtick to the one Religion nor the other; of which Sort of People we have divers amongſt us in this Kingdom, whoſe Names are not worth the mentioning by either Party; but as to thoſe Sins commonly called *reſerved Cauſes*, if any Man ſhall acknowledge himſelf guilty of any ſuch, in Confeſſion to an ordinary Confeſſor, he can

only tell him where the Pope's Bankers reſide, who are to abſolve him, and will gladly receive him, ſo he bring with him the Price of his Sin, and this great Pœnitentiary is thereupon to procure a BULL of Indulgence and Pardon for all wicked Perſons offending in the Cauſes here ſet-down, and divers others.

I would have ſaid more upon this Subject, and ſet-forth more of their Cheats and Artifices; but I hope, within ſome Time, to be at more Leiſure, and to have better Opportunities of ſetting-forth their Pranks and Policies to the View of the World.

I ſhall now only beg of you to aſſiſt me with your Prayers for the Converſion of thoſe Miſcreants who have ſo highly deſerved God's juſt Indignation; ſince there is no greater Sign of his Anger, than when he ſtrikes Men with ſuch Blindneſs of Underſtanding, that they take for Oracles whatever the Juggling Prieſts have invented for their own unlawful Gain, and, as it were, make a Mockery of God himſelf;—Men, who can ſcarce be believed to have any Hopes, or Thoughts, of a Life after this. I humbly ſubmit this Treatiſe to the Judgement of the kind Reader; and, if he think the Pains I have taken may any way ſerve to demonſtrate to the World the Enormities of the Court and Church of *ROME*, and perhaps convert ſome that are drunk with its Cup of Abomination; I ſhall then reſt ſatisfied that I have not ill employed my Time. I pray God to continue amongſt us the Purity of his Goſpel, and preſerve our Clergy from the Sin of Covetouſneſs, that ſpiritual Idolatry, which firſt debaſed the Church of Chriſt from its primitive Purity; that ſo we may more effectually convince, if poſſible, thoſe poor deluded Creatures, who are ſold as Slaves to this Succeſſor

rather

rather of *Simon Magus*, than *Peter*, and unveil the Darkneſs of his Kingdom; which God of his infinite Mercy and Goodneſs grant, according to the hearty Prayers of

Your Servant, in Chriſt,

ANTHO. EGANE.

CERTAIN

Decreed Impositions

OF

The Chancery Court

OF THE

Church of *ROME*.

Of Marriage.

IMPRIMIS,	£.	s.	d.
THEY that Marry in the fourth Degree, must pay for a Dispensation the sum of	02	04	00
They that have committed Fornication in the Fourth Degree, notwithstanding their Consanguinity which they well know, shall pay — — —	30	00	00
For legitimating of Children that shall be born of a Conjunction in the fourth Degree	19	00	10
Those that have contracted Matrimony in the fourth Degree, and being ignorant of their Consanguinity, and after being sensible of their Relation, having carnally accomplished their Marriage, must pay for their Dispensation — — —	27	00	06
They who have carnally sinned in the fourth Degree, benig ignorant of their Consanguinity, their Dispensation is — —	16	00	06
For such as have been sensible of their own Consanguinity in the fourth Degree, and nevertheless contracted in Marriage, tho' not consummated, their Dispensation is —	39	00	10

But

But if that Marriage be consummated and carnally accomplished, you are to agree with the Prelate, for legitimating of such Children as were born before a Divorce given by the Ordinary, at the request, or unanimous consent of both Parties; the Dispensation is 09 00 10

A Marriage in the fifth Degree.

WHether it be of Consanguinity or Affinity, is dispensed for the Sum of 40 00 04

Besides the gratifying of the Prelate for a Marriage in the second Degree, whether it be for Consanguinity or Affinity, the Pope himself or his particular Emissary, is to give the Dispensation for — — 100 15 06

The Dispensation of Marriage in the first Degree of Affinity, is made only in Conscience, yet you are to pay, or according to the ability of the Party — 1000 02 06

A Dispensation for Gossips.

FOR such as are of a Spiritual Affinity and shall be contracted in Marriage 17 00 09

In all other Causes belonging to Gossips, none but the Pope or his publick Penitentiary *sede vacante dispensis jur.* — — 59 00 03

If an Adulterer or a married Man seeks his Wife's Destruction, he cannot obtain any Dispensation to marry another: but, if he hath contracted Marriage, and that the Matter be kept secret, he is to be dispensed-with in Conscience; but he shall pay — 36 01 00

If a married Man attempts to kill his Wife, and effects it not, and hath not promised Marriage to another, he may have a Dispensation to marry another, after the Death of the first for — — — 29 02 09

If a married Man before the Death of his married Wife, marries another being ignorant of the first Marriage, if it so happens that the first Wife dieth, he shall take to him the second, provided the Ceremony of Marriage be

renewed; and he cannot be Divorced, without the consent of his Wife, who was ignorantly Married, or contracted, unto him before, and then the Dispensation shall cost —	19	02	09
If a Man who has been a long while absent, supposeth that his Wife is dead, and he Marrieth another, and liveth with his second as with his married, during the time he supposed his former to be dead: But if his first Wife shall happen to come again, he shall forsake the second and live with the first; but he shall pay for his Transgressions —	29	02	09
A Dispensation for such as have Vowed Chastity during life is given only by the Pope or by some extraordinary great Prelate; but it shall cost — —	16	05	06
He that hath Vowed to be a *Monk*, so that the Vow be not solemn, he may be dispensed with according to Conscience for —	15	04	01
But, if in his Dispensation be added this Clause, "that if this Wife die, he shall be obliged to keep his Vow," yet hemay have a Dispensation to marry again for —	27	03	06
If a man who hath taken Holy Orders (provided it be kept secret) happens to Marry, he may have a Dispensation for keeping his Wife as long as she lives, provided that he shall not Marry again after her decease; only he shall say his Divine Office upon Festival Days, and that by way of Satisfaction, and he must also pay for his Dispensation —	35	04	00

The Dispensation for Jews.

A Dispensation for a *Jew*, for having a Synagogue in his own House, shall cost	300	01	06
For Erecting a new publick Synagogue must be paid — —	603	15	00
A *Jew* that will be authorized to practise Physick, or Chirurgery, with the Clause of Assistance, must pay — —	60	15	00

Dispensations on the Age of those that take Orders.

A Child at six Years old shall pay for his Clerkship, and first Matriculation	19	02	04
A Youth of sixteen shall pay, for his being made Sub-Deacon, the Sum of —	22	03	05
At seventeen Years — —	16	02	00
For being made Deacon at the age of eighteen — — —	32	00	00
At nineteen for the same — —	16	00	00
For being Ordained Priest at two and twenty	32	02	00
At four and twenty for the same —	16	00	00

To take Orders, where, when, of whom, and in what number, one pleaseth.

TO take Orders from any other but his own Bishop, the first Clerkship and the four small Orders is — —	14	01	00
To take, according to a Man's Will, one, two, or all the Orders, must be paid —	32	02	10
For taking Orders, except in *Ember* week, is — — —	10	02	10
For taking Orders from such as have Authority to use Benediction from an Abbot	34	02	00
From a Bishop — —	24	00	00

Dispensation for such as are Defective, or bewitched, in any of the Members of their Bodies, in order to take Orders.

FOR a Man that wants any Member of his Body, if he takes Clerkship, as to the four small Orders — —	36	02	00
For him to be admitted to Orders of higher degree, must be paid the Sum of —	46	03	00
If he hath lost one or more of his Fingers, a Dispensation for holding a Benefice shall cost him — — —	52	03	06
But if he hath almost lost his left Eye, he must pay — — —	40	00	00

Yet with a Proviso, that he holds his Book, or a sheet of Paper containing the Canon of the Mass, on the Middle of the Altar; but if he hath lost both his Eyes, or one of his Stones, he must pay —	56	02	00
But if he be deprived of all his Privy-members, he must may —	112	08	06

For such as have taken Orders legally as they ought to have done.

FOR those that shall take Orders under Age, the Dispensation shall cost	07	02	03
For the Irregularity of one that hath taken Orders from any other Bishop but his own Diocesan, without leave from his Prelate, must pay for his Dispensation —	07	02	03
If a Bull carries a Retention of a Benefice, the Dispensation shall cost —	13	03	08.
For him who hath taken Orders unlawfully, it will cost — —	07	02	02.
And if there be a Retention of a Benefice, he must pay — —	13	03	08
For a man who by the Collection of a full Tenth, was admitted into Orders, that is to say, without taking or bringing Credible Witnesses to aver the Truth, his Dispensation shall cost — —	07	02	02
For one who by express Orders, renounceth the Orders of a Deacon, or Sub-Deacon, which were before conferred upon him, he is to pay — — —	12	03	07
He that in one and the same Day hath taken two, or more Orders, to the end he may immediately officiate, shall pay for his Dispensation — — —	06	02	06

Dispensations for such as are employed in the Service of the Church without taking Orders.

IF any one being neither Deacon nor Sub-Deacon, exercise such an Office, he must pay — — —	12	03	06

And

And if he hath a Bull for a Benefice, he is to pay — — —	18	04	09
If any one who is not a Priest shall take upon himself to say Mass, or to Administer the Sacraments; if he intend to take Orders afterward, his Dispensation shall cost	36	09	06

Dispensations for Bastards.

FOR admitting a Bastard after the old manner to holy Orders; and to capacitate him to hold a Living, wherein is a Cure of Souls, he pays — —	05	01	01
And if that the Clause of impowering him to change his Benefice be added, he is to pay	07	07	03
If a Bastard, knowing himself to be so, afterwards shall take Orders, he must pay	07	07	05
If he change his Benefice, he is to pay	06	02	00
If he changeth two, he is to pay —	12	04	00
If three — —	18	04	06
But if he officiate in the Behalf of his Father, present or absent, he must pay	07	02	00
And if he be a Bastard found by chance, he pays — — —	06	02	00

Dispensations for Monks' Bastards.

Dispensations Prized.

FOR a Mendicant's Bastard turning Monk, his Dispensation is — —	06	02	06
For a Mendicant to be made Provincial of an Order, or first Guardian, or capacitated to any other Dignity: If Monks that have Revenues, and not Minors or Mendicants, they may have a Dispensation for as high as an Abbot, for — —	01	01	00

Dispensations for such a Person as was once Married, and at the second took a Virgin to his Wife.

FOR a Man who hath been once Married, he may after her decease be admitted into Orders, paying for his Dispensation	06	02	00
And, if he will enjoy Privileges, he must pay	02	09	09

Dispensation for Persons that have had two Wives.

A Man that hath been twice married shall be admitted to his first Clerkship, or to the four small Orders, paying for his Dispensation — — —	12	03	04

For the Apostolical Chamber.

BUT if in his Bull is added this Clause, if he chance to Marry again, he shall pay	18	04	09
And if the Bull contain this Clause, if it happen he hath already had two Wives and that he shall marry the third, he shall pay	06	04	08
And if this Bull for a Man that hath had two Wives and is a Widower, dispenses with him to have or to keep one simple Benefice, he shall pay, besides the aforesaid Tax,	24	06	00
He that being married, and conceals that he had two Wives, and yet takes his first Clerkship, must pay — —	21	05	06
A Knight that hath had two Wives, and after being a Widower, if he enters into the four first Orders, he shall pay for his Dispensation — — —	12	03	06
A Man having had two Wives, having already procured his Dispensation from the Pope, to enter into Orders and to officiate the Place of a Canon, may yet have a Faculty for two equal Benefices, paying only -	24	06	00

Pardons and Dispensations for Soldiers.

HE that being a Soldier for the Catholick Cause, and neither kills nor wounds any in War, nor causeth any to do it, is to pay — — -	36	09	00
All Priests who have assisted at the Judgment, or given their Advice in Writing in any Criminal Cause, shall pay each Person	36	09	00
If any Man shall strike a Clerk or Priest, he shall pay the full Sum of —	06	02	00
But if an Abbot or Prelate, it must be	12	03	06
If any Man shall strike a Bishop, or such an extraordinary great Prelate, it must be	24	06	00

Dispensations for Wounding Persons.

HE that Wounds any one of the Clergy in any of his Members, his Pardon and Dispensation shall cost —	18	04	00
But if it be a simple Pardon without Dispensation it will cost — —	06	02	00
He that Wounds an Abbot or Principal Person of any Order, must pay —	06	00	00
If a Bishop, it shall be —	12	00	00
But if one Lay-Man Wounds another, he is Pardoned for — —	00	00	06

Dispensations for Murders or wilful Homicides.

A Murderer having taken his first Orders, can have a Dispensation for holding one simple Benefice; and, if that be not sufficient, he may have two or three; hiring his Pardon for the Murder he hath committed, for	12	05	06
But, if he will have the Privilege of the Clergy, he must pay —	18	04	00
If it be with the Inhibitory Clause, it will cost — — —	30	07	06

To

To have a Dispensation for holding three Benefices, except the Bull runs so that he may hold as many Benefices as he stands in need of, he is to pay — —	01	18	02
But if he hath the Bull to his advantage, he pays — — —	24	06	00
But, if a Person, being wounded, dyeth not of the Blow that he hath received, but thro' want of good Attendance or the like; or, if he that gave the wound intended not to kill him; he may have a Dispensation for the Order of Priesthood, and hold Ecclesiastical Benefices, for — —	36	09	06
The Dispensation of a Murder perpetrated by a Bishop or Abbot; or by the chief of an Order or Knight, it shall cost —	50	12	06
If a Friar, or Guardian of a Monastery, kills a Man, it will be — —	40	09	00
A wilful Murderer, having already taken Orders, was before dispensed-withal to sing a *Hail Mary* in the Church; if he has Power impowered to hold an Ecclesiastical Benefice, he is to pay — —	36	09	00
But if there be many accessary to the Murder, every two are to pay amongst them — — —	50	12	06
If one be found guilty of many Murders, in the same Time and Quarrel; he is to pay for his Dispensation - -	36	09	00
If in several Quarrels, he must pay double — — —	50	12	06

For an Ordinary Man who hath committed Murder, is rated at Will, according to the Circumstances of the Place and Time, and as the Prelates shall think fit.

Dispensations for accidental Murders.

For a Clerk.

IF one would have a pardon, *ad Cautelam* as they term it, it will cost —	18	04	09
If he that hath killed a man, did use his			

Endeavours

Endeavours to avoid it, but was forced to the Fact in *se defendendo*, he shall pay but	36	07	06
If a man happen to be Murthered accidentally, the Murtherer is to pay for his Dispensation — — —	09	03	06
If a Clerk of the Church hath killed one in his own Defence, he must pay for his Dispensation — —	06	02	00
And if the Clause of Assistance be in it, it will cost — — —	12	04	06
If it be for a Cautela, or for Assurance for the future, he shall pay — —	21	04	06
But if it be with the Inhibitory Clause, its price is — —	36	09	00
For a Murder perpetrated in the Defence of another, a Dispensation for saying Mass, for — — —	30	07	06
Dispensations and Pardons for Bishops or Abbots, or such Prelates; for wilful Murders, are — — —	50	12	06
For Priests and ordinary Clergymen	40	10	00

For Murtherers of Priests.

A Lay-Man, having murthered a Priest, shall be pardoned for —	06	02	00
A simple Clerk, or Priest, or one who hath taken Orders, shall pay, if he be interdicted from exercising his Function, —	06	02	00
If there be a Rabble, or a number of People, when a Murder is committed, the Chief shall pay a whole Tax, and the rest half.			
If one Man in the same Time kills more than one Priest in the same Quarrel, he must pay for his Pardon — —	06	09	03
But, if he hath killed many Priests at several Times, he shall pay a whole Tax to the first, and a half for the rest.			
If he who hath killed a Priest desires to be pardoned, and would change his publick Penance to a private, he shall pay —	18	01	06

He

He that kills a Bishop or any other Prelate, must pay — —	36	09	00
He that having killed a Priest, if he holds his Benefice, must pay for his Dispensation	02	02	00

Dispensations for such as have killed Lay-Men.

FOR murthering a Lay-Man, the Dispensation is — —	03	02	04
But if one hath killed many Lay-men in one Quarrel, he is taxed but for one, and his Dispensation is according to the Confessor's Discretion — —	04	01	08

Dispensations for Parricides.

MUrthers committed on the Persons of Father, Mother, Brother, or Sister, each Person's Dispensation will cost —	04	01	08
If any Person killed or murthered his own Wife, it shall be rated as that of Parricide, *viz.* — — —	04	01	08
And if he who hath murdered his own Wife, and marrieth another, his Dispensation is — — —	08	02	09
And if those who have assisted the Husband in the Murthering, are included in the Pardon or Dispensation, the Tax is	02	00	00

Dispensations for such as have killed their own Children.

IF either Father or Mother, Sister or Brother, do strangle or smother an Infant, they are to pay — —	04	02	09
But if a Stranger that hath murthered an Infant, he pays as far as a Lay-man, *viz.*	03	02	04
But if the Father and Mother do strangle the Infant of an unanimous Consent, they must pay — — —	06	02	00

Dispensations

Dispensations for Women that Miscarry.

SHE that takes any Potion to destroy the Fruits of her Womb, or the Father who causeth his Wife to take the same, they are to pay — — —	04	01	08
But if a Stranger that giveth the Potion, he shall pay — —	04	01	08

Dispensations for Wizards and Sorcerers.

A Witch or Inchantress, at her Abjuration made of her Sorcery and Inchantments, shall pay — —	06	02	00
And if she followeth the same Trade, after Abjuration, she shall pay —	12	04	00

Dispensations for Hereticks.

A Pardon and Rehabilitation of a Heretick, drawn in an ample Form; with the Inhibitory Clause before he had made Abjuration, is — —	36	09	00
If he be a Lay-Man, and that the Bull containeth an Absolution of Infamy, he is to pay — — —	12	03	06
And if the Inhibitory Clause be added, he is to pay more — —	12	00	00

Dispensations for Church-Robbers, Thieves, Incendiaries, Plunderers, Ravishers, Perjurers, &c.

A Pardon and Rehabilitation for any of these Crimes, with the Inhibitory Clause, will cost — —	36	09	00
For Simony. A simple Absolution for a Simonist, let him be either Secular or Regular, is — — —	36	09	00

But

But if the Dispensation be for Irregularity, and that it will capacitate the Person to receive Holy Orders, and to hold Church Benefices, he must add — — 06 02 00

And if the Dispensation be to officiate in other Benefices, besides those which he hath acquired by Simony, he is to agree with the Ordinary, and if the Simonist requires his Pardon, it is dispensed according to the Discretion of the Confessor; with an Authority to keep his Benefices which he got by Simony, whether he hath already obtained the Profits or no, with the clause *nullis* only, he is to pay — — 03 07 06

Dispensations for Carnal Sins, or for all sorts of Whorings.

A Priest, or Frier, having lain or carnally sinned with a woman of whatsoever sort or degree, whether a *Nun* or a Kinswoman, or a Relation, or with any other, whether married or single, whether within the bounds or Cloisters of his Monastery, or elsewhere; whether the Absolution be made in the Name of the Clergy or no; it gives him Power to exercise his Function, and to hold his Livings; and that together with the Inhibitory Clause, is only — — 36 09 06

A Dispensation for Buggery.

AND, if, besides this, there be an Absolution for Buggery, or for unnatural sin committed with Brute-Beasts, a Dispensation together with the Inhibitory Clause, will come to — — — 90 12 01

A simple Absolution for the sin of Buggery, or the Sin contrary to Nature, that is to say, with Brute-Beasts, together with a Dispensation and the Inhibitory Clause, is 36 09 00

A *Nun* having played the Whore very often *intrà aut extrà septa Monasterii*, is to be

be absolved, and rehabilitated to hold the Dignity of her Order, for — —	36	09	00
An Absolution for one that keeps a Whore at Bed and Board, with a Dispensation to hold a Benefice, is — —	04	05	06
For all acts of Whoring, or such dishonesty committed by a Layman, he is to be dispensed with for — — —	06	02	06
A Layman having committed Incest, is to pay — — —	04	06	00
A Layman having committed Adultery, is to be absolved for — —	04	00	00
But if it be Adultery and Incest together, he is to pay — —	06	02	00
For the Adulterer and Adulteress together, is — — —	06	06	00

Dispensations for Trespasses.

HE that buries the Body of an excommunicated Man in any Sanctuary, must pay — — —	06	02	06
A Licence for Irregularity with power to enjoy a Benefice, is — —	09	02	00
And if he keeps all that he had already obtained, it is — — —	12	03	09
For him that conceals the death of another, *Lucri Gratia* — —	09	02	00
A Priest having ignorantly said Mass in a prohibited Place — —	06	02	00
But if he knew the Place to be prohibited, and that the Prohibition was by the Ordinary, he is to pay — —	06	02	00
If by the Pope, he must pay —	12	03	06
A Priest having made a *clandestine* Marriage, and said Mass in the Presence of the married Couple — —	06	00	00
And every Layman that was then present — — —	03	00	00

If any Man hinders the Execution of a Bull, or Apostolical Mandates, his Absolution will cost him — —	36	09	00
And every one of his Assistants must pay	12	03	00
A Merchant having brought Warlike Weapons among the *Saracens*, except he brings some profitable Goods back in exchange, he is to pay — —	12	03	06
But if he hath brought considerable Goods he is to agree with the Prelate.			
If a Servant retains the Goods of his deceased Master for his Wages, after being advised to restore them, and will not, he is to be absolved for — —	06	02	00
A Bishop having sworn to take a Voyage to *St. Peter's* in *Rome*, and never performed, he pays — —	12	03	06
The Absolution of a spiritual Sentence of Excommunication given out by the Ordinary	06	02	06
But if the said Sentence hath been given out of the Apostolical Seat, it must be	12	04	06

Dispensations and Pardons for Irregularities.

AN Absolution or a Dispensation for Irregularity, is — —	05	13	00
And if there be a general Absolution for all Sins, it is — —	08	19	00
If the Irregularity hath been cause of giving of Judgment in some criminal Matter of Fact, and that there was not an Absolution for the Fact, but only an Absolution for Infamy, with the Inhibitory Clause, it is only	03	07	00
And if in the Bull be a Dispensation of Irregularity and License for a passing such Judgment afterwards as often as occasion did require; and also Authority for being Advocate in Criminal Causes, it will cost —	45	00	00
But if the Bull contains a general Absolution for all Sins passed, or for Sins not yet committed;			

committed, and also for all sorts of Irregularities, it will cost — — 50 12 06

He that is guilty of Irregularity by reason of exercising the Profession of a Physician, must pay for the first Dispensation — 56 09 00

And, if the Bull alloweth him a Permission to follow his Profession in the future, shall pay more — — — 05 02 06

Dispensations for Burials.

AN excommunicated Person deceased, or one that died a violent Death, his Absolution shall cost his Friends and Relations 06 02 00

But, if the Body be buried in a Sanctuary, it will cost — — — 12 03 06

Dispensations for changing and moderating of Punishments.

A Simple Moderation of Banishment or perpetual Imprisonment, will cost 04 10 00

The Moderation of Banishment from ten to fifteen Years, will cost — 36 09 00

Or if the Bull contains a Dispensation for Irregularity, and a Permission for exercising the Office of a Priest, it will cost — 50 12 06

The simple Moderation of Banishment, or Imprisonment for ten Years, together with a simple Dispensation or Absolution of the Crime committed, will cost — 25 06 00

And if the Bull contains a Clause of Assistance, it will cost, besides the foregoing Tax, 06 00 00

A Priest being suspended by his Ordinary from saying Mass, by reason of being troubled with the falling Sickness, must pay for his Absolution and Dispensation — 06 02 06

And his Bishop is to give him License to say Mass, with a Proviso of being always assisted by another Priest.

Dispensation of Oaths.

THE Dispensation of an Oath or Contract being given, to the end that one may not be driven or expelled from his Occasions or Employments, will be had for 07 02 03

But if the Bull doth contain the Inhibitory Clause, together with an Absolution of Infamy, it will cost — — 56 09 06

And if many are comprehended in the same Fact, every one of them must pay 03 00 00

And if there be many Contracts for the same Thing and amongst the same Persons, for each Contract must be paid, besides the Ordinary Tax of the former — 03 00 00

A Dispensation for one that hath sworn to take his Degrees, in one University, and neglected his Promise, so that he could not get his Degrees, his Tax will be — 06 02 00

For an Oath that cannot be kept without incurring everlasting Damnation; as for example, a dishonest Vow, or some wicked Promise, the Dispensation will cost — 06 02 00

And you must take notice, that there is difference between the Tax of a Bishop, Abbot, or General of an Order, and the Tax of ordinary Men; for the Prelates are left to their Confessor's Discretion

Dispensations for the changing of a Vow.

A Man having vowed, but not solemnly, to take the Habit of some Order, or Religion, to the End he may change his Vow, he must have a Dispensation which is made in Conscience, it will cost but — 15 04 00

If a Man hath taken a Vow of Chastity solemnly, he is to have his Dispensation for not keeping his Vow, if need be, but he is to pay the Prelate the Sum of — 15 04 00

If

If any Man, after taking an Oath of entering into a religious Life, takes a Fancy to marry rather than to perform his Oath or proceed according to his Vow, he is to be absolved *de jure*, only he must pay — 15 04 00

And he shall be enjoined, in the Bull, to stand to his Vow in case he outlives his first Wife.

For the prolonging of the Term of Vows, to go to the Holy Sepulchre, or to Saint *Peter's* at *Rome*, provided there be a lawful Cause for it, yet a Dispensation will cost — 09 02 09

If the Dispensation be for two Years, it will be but — — 04 00 01

For changing the Pilgrimage of the Sepulchre for another, you must pay — 12 03 06

Besides gratifying the Prelate, to change one Vow for another, will cost — 06 02 06

For getting a Priviledge from fasting or a Permission to wear another Habit, rather than the Habit of the Order wherein one took his Vow and made his Profession, is — 06 02 06

If the Bull contains a great number, the first Man must pay a whole Tax, and every one of the rest a half.

But if they are not related, and all of one House, every Man must pay the whole Tax, *ut supra.*

But if it be for a Chapter, or Convent, or some great College; and that the changing of the Vow, shall be for a Perpetuity, they must pay — — 100 00 00

Dispensations for changing the Hours of Prayers.

THE Knights of *Malta*, and such others, who would not be confined to any certain Time nor Hour, but to be left to their own Pleasure, their Dispensation will cost 10 03 06

A Reduction or changing of Divine Service for one that is defective in Sight, or has any other Impediment, is — 12 00 06

He that layeth aside the Custom of his own Order, and useth that of another, must pay for his Dispensation — —	09	02	06
If a Chapter or Convent would change their Liturgy, their Dispensation will cost	60	15	00
And if the Bull will authorize them to alter their Prayers, that is to say, to rehearse the last for the first, and the first for the last, the Dispensation will cost —	100	15	00

Dispensations for doing contrary to the New Testament.

THE ordinary Tax hereof is —	12	06	06
The removing of dead Corps from one place to another, or to transfer a Congregation, or the Mass, that is to say, into any Place, only that Place which was appointed for it, a Dispensation will cost —	60	00	00

Dispensations for the Reduction or Diminution of the Mass.

TO reduce or shorten a Mass when the Revenue is small, the Dispensation will cost — — —	04	03	06
And if the Inhibitory Clause be added, you must pay — —	08	06	00
If a Rector of any Benefice desires a Dispensation for abbreviating the Mass, and that he would have this Dispensation to be for him and his Successors, he may obtain his Request, but he shall pay — —	30	10	00
If it be a Chapter, College, or Corporation that desire such a Dispensation, they must pay — —	40	10	00

Dispensations for Confirmations.

THE Confirmation of a Statute for a Cathedral, will cost —	80	19	00
If it be for a College, it will cost but	60	15	03
The Confirmation of a League or Agreement made between two Persons of Quality, provided that their being in Amity, Peace, or Charity one with another, will be rather to the Advantage, than to the Disadvantage of the Church, and that their Agreement will be according to the Canons of the Law, will cost but — — —	12	03	06
All Confirmations of the Alienations of Ecclesiastical Goods, are taxed at —	12	03	06
The Confirmation of a Statute concerning a certain Number of Ecclesiastical Benefices, will cost — —	40	10	00
A Confirmation for an Erection or Reserve of a Right of Patronage, will cost according to Value or Profit of the Patronage, at least — —	23	15	09
The Confirmation for a perpetual League or Alliance made by the Ordinary, for a Fact which the Law allows of, will cost but	50	00	00

Dispensations for Benefices and Rights for the Poor.

A Prescript to choose a Ternative that one would, or for to confirm unto a Poor Man the term of five Years, with the choice of Paymasters and Creditors, will cost	05	00	00
And if the Clause Derogatory be added from the Law, with Orders for Bankrupts and Brokers, in a certain Way and Form paying their Creditors, it will cost —	08	02	08
But if it be for a Clerk, and granted in a Chapter, it will be — —	05	01	06

And if the Bull contains an Absolution from Ecclesiastical Censures, it will cost	06	01	00
And if the Bull brings Dispensations for Irregularities, it will cost —	90	02	09

Dispensations for Declarations.

ALL Declarations of Law, whether it be Matters of Religion, or Murder, or any other thing, are ordinarily taxed —	06	02	06
But if it be in cases of Matrimony, it will cost — — — —	09	03	07

For Transumptis, videmus, & per inde valere.

IF any Priest having lost the Letters of his Orders, comes to the Bishop which ordained him before, then he must pay for the renewing his Letters and his Commission again, the Sum of — —	06	02	00
For a Letter of Indictment for a Fact committed in the Time of Supplication, though it was no Hindrance to the Confessors of the Bull, neither occasioned the altering or changing the Rate which was set before upon the said Bull, will cost — —	06	02	00
But if the Rate or Tax was changed, and that it exceeded Six Pound, you must pay the overplus			

Licenses and Dispensations for Indulgencies.

A Licence for transferring a Parish Church, to a Monastery with all things thereunto belonging, will cost — —	24	06	08
And if the Bull mentions a Profanation of the Place, where the said Church was first erected, it will be — —	40	00	00
A Licence for Building a Font for the Christening of Children, is —	24	06	00

For

For building a College Church, or the changing a Parochial into a Collegial, is	100	00	00
To build a Parish Church, and therein to erect a Font, is licensed for —	24	06	07
A Licence for transferring a Church-yard, or a Sanctuary, unto any temporal use, will cost — — —	12	03	00
And if this Alteration is made upon the Request of a whole Corporation or City, it will cost — — —	48	12	06
A Licence to transfer, or remove Relicks from one Place to another, is —	09	02	06
A Licence for saying Mass in an execrated Chapel, is — —	12	03	00
And if the Bull holds a Privilege for erecting a Parochial Church in that Place, it will cost — —	18	03	06
A reserve of a Right of Patronage for one's self and Heirs, will cost — —	40	10	06
To build a Shop in the Alley or Entry of any Church, will cost —	12	03	00
A Licence for erecting a Fraternity and a Nunnery, together with a Permission for their being conversant one with another, and also Authority to confess one to another, and for keeping a neat Altar; and for receiving the Sacrament at their Pleasure —	01	02	06
To change the Feast of St. *Didacus* otherwise than after the Manner and Order of that Rubrick *de Translationem officiis*, will cost	12	13	06
A Licence for saying Mass in all Places, will cost — —	09	00	00
For one Priest to say Mass twice a Day, nay three times, if he be *in terrâ hæreticâ*	05	03	06
But if a College, Church, or Chapter, or a Corporation of Secular Priests together, desire this Privilege, it will cost them	100	18	00
A whole City being interdicted, yet the Mayor, Aldermen, and Burgesses of that City may have a Licence to hear Mass in their own Houses, and may also be buried in their own Chapels, paying for their Licence —	100	06	00

But if they will have an Altar *portabile*, that is, a portable Altar, they must pay more	08	00	00
If the Bull be for the Husband and the Wife, it will cost — —	09	00	00
And if it comprehends their Children, the Tax will be — —	13	00	00
A Licence for saying two Masses before Day, *in nisi fuerit, in terrâ hæreticâ*, or at *Christmas* Day, when every Priest is bound to say three Masses, will cost —	12	03	06
To publish the Pardons of the Cardinals without Licence from the Ordinary, will cost	06	00	00
A Licence for saying the Canonical Hours, in any other way or order than according to the Constitution of the Diocess wherein one is beneficed, will cost — —	06	02	06
And if it be for a Monk, it will cost	09	02	09
And if the Bull doth give him leave to say his Prayers as he likes best, it shall cost	12	03	09
A Secular Priest that intends to dispose of Goods to his Relations, and not to the Clergy, he must pay for his Licence —	12	03	06
But if a Regular had a Design to leave some of the Goods he hath in his Possession unto his Friends, he must pay for his Licence	07	03	04
And if the Goods were acquired out of the Goods of the Monastery, he cannot dispose of them, *sine Licentiâ superioris*, and that can hardly be gotten.			
If a Bishop distributes all his Goods to his Relations, he ought to hire his Licence, which will cost — —	36	09	00
If an Abbot, or Superior of a Convent, he is to pay — —	50	00	00
To change one's proper Name —	09	02	09
A Licence for reconsecrating a Church, or Church-yard, is — —	12	08	06
A Licence for a Child of twelve Years to hold a Canon's Place in a Cathedral, notwithstanding all the Rules of the Chancery contradicting such Things, yet he may obtain his Licence for — —	12	03	03

And if he be thirteen Years old, he pays but — — —	06	00	00
For a Man to have a Licence to say Mass in *Greek* amongst the *Grecians* —	09	02	00
For having Authority to visit the Holy Sepulchre is — —	04	01	04
A Bishop that would exempt himself a whole Year from being consecrated, he must pay for his Licence — —	50	09	06
And if he would have it for seven Years, he may, paying only —	90	02	09
A Licence for saying Mass with the Head covered, shall cost — —	05	09	10
If a Bishop, or Abbot, desires such a Licence, he is to pay — —	24	06	00
A Dispensation for a Titular Bishop, for his *non Residens*, in his own Bishoprick, will cost — —	18	04	02
To hold two several Employs in the same Church, will cost — —	12	03	06
For a Titular Bishop that would exempt himself from taking a Journey to *St. Peter's* at *Rome*, by reason of the Distance of the Place, a Licence will cost —	24	06	00
And if it be for ever —	52	12	06
A Dispensation for the Bastard of a Layman or Clergyman, that he may enjoy the Legacy or Gift, which his Father hath left, as far as the Value of two hundred Ducats, it will cost — —	12	03	06
And if he be the Son of a Monk, that hath Power to make a Will, he pays —	34	06	00
To preach on *Sundays*, and other Festival Days, for the Space of five Years, for the redeeming of poor Prisoners, the Licence will cost — —	12	03	06
For the Chapter of a Cathedral, to contribute some Monies for the Maintenance and Reparation of a Town, will cost —	24	06	00
A Dispensation for a temporal Lord, and his Family, to eat the Flesh of Beasts slain by *Saracens*, will cost —	30	09	06

A Woman of Honour accompanied with four Gentlewomen more, having a Desire to visit a Convent four times a Year, and then to stay for a considerable time, must pay for her Licence — —	12	03	06
A Father that will put his Daughter to be bred with *Nuns* in their Convent, must pay — —	10	03	06
A Licence for a married Man, for receiving the Habit of the third Order of *St. Francis*, that is to say, the Habit of Penance, will cost — —	12	03	06
A Licence for a Knight of *St. James*, that he may marry a Widow, contrary to the Order of his Knighthood — —	12	03	06
A Licence for a Friar, to hear the Confession of any other *Nuns* but those of his own Habit and Order, will cost —	15	04	00
A Licence for an Abbess, and three or four of her *Nuns*, together with so many jocund Friars to go abroad in the Country, to see some Lands and Tenements belonging to the Mother Abbess, and there to recreate themselves for a Week or two, will cost —	24	06	00
They may stay a little longer, provided they go always *bini & bini*, that is to say, two and two, and they are to have a great Care least they may give any bad Example, and if they do not live *Caste*, that is Chaste, at least let them live *Caute*, that is warily.			
A Cordelier having acquired a parcel of Lands or a Sum of Money by his own Industry, may leave it to his Nephews or Relations, paying for his Licence, the Sum of	12	03	06
A Regular having a desire to wear Shirts, or to lay in Sheets, must pay for his Licence	12	03	06
A whole Convent of Friars having a desire to change from one Order to another, must pay for their Licence — —	40	10	00
But if the Order to which they alter be the more straight, they pay only —	12	03	06
But if they change one Convent for another, with the Revenues and Utensils, and all			

other Goods, the Prior or Guardian of each Convent, must pay — —	06	00	00
A Licence to live in a Hermitage, will cost	12	03	06
An Apostate having renounced his Habit and Order, and being again desirous to turn to his former Profession, must pay for his Transgressions — —	10	03	06
Lastly, If any Man have a desire to wear the Habit of any Order privately, or under his own Garment, he must pay for his Licence, the Sum of — —	06	03	06

THE

POSTSCRIPT.

AND now I hope I have made good that I promiſed, ſufficiently diſcovering the Cheats of theſe Merchants of Souls; and therefore your Charity will give me leave to ſay with the Apoſtle, *bonum certamen certavi*, though I have not mentioned half the Abominations that are practiſed in this Kind, but I hope this is enough to prove, that Money, rather than true Repentance, is made the Ground of the Abſolution of the moſt heinous Sins: But I hope God will give me more Leiſure, and better Opportunities of detecting the Wickedneſs of this myſtical *Babylon*, and then I engage never to be weary of the Deſign I have undertook, in declaring to the World the Enormities of that Church, whereof I was once a Member, and was (though ignorantly) as great a Deluder as any of them. But thanks be to God who hath opened the Eyes of my Underſtanding to diſcover the Light of his glorious Goſpel, which I acknowledge as his infinite Mercy, and who hath enjoined me, being now converted, to ſtrengthen my Brethren; and, therefore, I beſeech you, as you love God, and tender the Salvation of your own Souls, to deteſt not only the Vices themſelves, but the Manner of forgiving them, practiſed

tiſed in the Church of *ROME*. And beware of its Miſſionaries, who go about like Wolves in Sheeps' cloathing, ſeeking whom they may devour; and have no other End, but to breed Confuſions amongſt us, to make us break the Bond of Union and Charity, in which we ought to be united, in one Lord *Jesus*; To whom, be all Honour, and Glory, *World without End.*

THE

ABSOLUTION.

I Have here ſet down for the better Confirmation and Juſtification of the Truth of this BOOK, the particular Form of Abſolution, that theſe Miſſionaries do uſe to ſuch Perſons as do confeſs to them, and this is called *Abſolutio gratialis*, and is moſt commonly uſed to Sick Perſons.

After the Penitent has confeſſed his Sins, the Miſſionary begins his Abſolution after this Manner:

Misereatur tui omnipotens Deus, & dimissis omnibus peccatis tuis, perducat te ad vitam æternam. Amen,

Indulgentiam, Absolutionem, & Remissionem omnium peccatorum tuorum tribuat tibi omnipotens & misericors Dominus. Amen.

Deinde

Deinde Injungit pœnitentiam, sicut ipsi videbitur conveniens, & postea dicit,

DOminus noster Jesus Christus, te absolvat: & ego, Authoritate ipsius quâ fungor, te absolvo, Imprimis ab omni Vinculo excommunicationis, majoris & minoris: (Si fuerit Clericus, dicet, suspensionis aut interdicti, si forte incurrit:) & deinde absolvo te ab omnibus peccatis tuis, & ab omnibus pœnis tibi in Purgatorio debitis pro peccatis & delictis, & restituo te unitati & participationi Ecclesiæ: & virtute [*et*] *authoritate speciali mihi in hâc parte Commissâ, restituo te illi Innocentiæ in quâ eras quando baptizatus fuisti; &, si hâc vice non moriaris, reservo tibi hanc gratiam pro extremo mortis articulo, in nomine Patris & Filii, & Spiritûs sancti.* Amen, Jesus.

Passio Domini nostri Jesu Christi, & merita Beatæ Mariæ semper Virginis, & omnium sanctorum & sanctarum ut quicquid boni feceris, vel mali patientèr sustinueris, sint tibi in Remissionem peccatorum, augmentum gratiæ, & præmium vitæ æternæ. Amen. *Pax tecum.*

THE

ABSOLUTION

THUS ENGLISHED.

OUR Lord *Jeſus Chriſt* abſolve thee: and by Virtue of the Authority that I hold, I do abſolve thee; Firſt, from all ſorts of Excommunications, whether great or ſmall: (If the Penitent be a Clerk, he muſt ſay; from all ſorts of Suſpenſions and Interdicts, (if by chance he hath incurred any) Then I abſolve thee from all thy Sins, and from all Sins and Torments due to thee in Purgatory for thy Sins and Tranſgreſſions; and I receive thee into the Union and Participation of the Church; and by Virtue of a ſpecial Authority to me committed, I reſtore thee into that Innocency in which thou haſt been when thou wert baptized: And if thou die not at this Time, I reſerve thee this Grace, to the Hour of thy Death, *In the Name of the Father*, &c. and by the Merits and Paſſion of our *Lord* and *Saviour Jeſus Chriſt*, and the Merits of the ever bleſſed *Virgin Mary*, and of all the Saints and Virgins; that whatſoever Good thou haſt done, and whatſoever Injuries thou patiently haſt ſuffered, let them be unto thee a Remiſſion of thy Sins, and an Augmentation to Grace, and a *Præmium* of Life everlaſting. *Amen.* Peace be with you.

N. B. *Theſe Names of* Miſſionaries *and* Pœnitentiaries *are all one; the Diſtinction only is, that thoſe* Pœnitentiaries *do reſide in the Court of* Rome, *and the* Miſſionaries *are thoſe which are diſperſed through the World, notwithſtanding they have the ſame Power and Authority to abſolve,* id eſt, a Caſibus Reſervatis; *the Truth is, thoſe do not directly accumulate, or gather theſe Sums, but they are to enlighten the Penance and Pilgrimage of the Penitents for paying theſe foremention'd Taxes to their ſeveral Deputies, appointed in all Places to that Purpoſe.*

THE

AUTHOR'S TESTIMONY

FROM THE UNIVERSITY.

THESE are to certify All whom it may Concern, that Mr. *Anthony Egane,* Clerk, lately a *Franciſcan* Friar in *Ireland,* but now of the *Reformed Religion,* hath for the Time of his Abode in the Univerſity of *Oxford,* behaved himſelf ſoberly, diſcreetly, and ſtudiouſly, and thereby hath been a happy Means to reduce ſome Perſons to the Church of *England,* who had been formerly perverted. *In Witneſs* whereof, I have hereunto put my Hand and Seal, in ſuch Cauſes

Cauſes uſual, this Twenty-ninth Day of *Auguſt*, in the Year of our Lord, 1673.

P. *Bath and Wells*, Vice-Chan. of *Oxon.*

Joh. Wallis, Geo. Profeſſor, *Oxon.*

Tho. Yates, Preſident of *Brazen Noſe.*

Ra. Bathurſt, Principal of *Trinity* College.

Ab. Campion, Proct. *Senior*

Idem Teſtor, Tho. Barlow, Coll. Reginæ Præpoſitus.

Tho. Tullie Aulæ St. Edmundi Principalis.

Copia Vera.

AN

APPENDIX.

THUS you have ſeen (good Reader) ſome of the great and crying Abominations, practiſed not only with Impunity, but with Encouragement and Approbation in the Church of *ROME*. You have ſeen, likewiſe, the Author's Sobriety, Diſcretion, and Induſtry in promoting the Cauſe of Truth, aſſerted by ſuch as had too great a Stock of Reputation of their own to venture on any thing leſs than the moſt full and well-grounded Conviction. So that there does not appear to be the leaſt room to doubt the Truth of the Matter of Fact. How can it fail then to raiſe in the Minds of all unbiaſſed Readers, the utmoſt Deteſtation and Abhorrence, to ſee thoſe Works of the Devil, which the Son of God came to deſtroy, diſpenſed-with for the ſake of filthy Lucre? Is it poſſible they ſhould commit the Cuſtody of their Souls to ſuch falſe Guides, as prefer worldly Intereſt to Religion, Mammon to God? Neither are theſe (though one would think enough to ſhock any Perſon of ſober Thought and Reflection) the only Abuſes of that Apoſtate Church: The whole Syſtem of its Principles (ſuch I mean wherein it ſtands diſtinguiſhed from the Doctrine of Proteſtants, and for which they ſeparated from it) ſeems to be little elſe than a Complication of groſs Abſurdities, and abominable Corruptions.

To

To deſcend a little to particulars, and that very briefly: That Church, whoſe Doctrines are deſtructive of the true End of Converſation, and the quiet of Families; that is fitted to diſturb and undermine the Peace and Happineſs of Princes and Communities; that robs God of his Glory, detracts from the All-ſufficiency of our Saviour's Merits; that locks up from a great Part of its Members the Key of ſaving Knowledge; that is rigidly ſevere in uncommanded Inſtances, and ſcandalouſly looſe in exacting the Precepts of the Goſpel; that bids Defiance to Mens' Reaſon and Senſes; that renders the ſtricteſt Preparation of its Communicants, to that which itſelf owns to be the moſt ſolemn Ordinance of Religion, poſſibly at leaſt, fruitleſs and ineffectual, by that pernicious Doctrine of the Validity of Sacraments depending on the Intention of the Prieſt; that reſiſts and vilifies the Authority of the Holy Scriptures, contradicts the Doctrines and Practices of the Firſt and pureſt Ages of Chriſtianity, forces its way (where it can) by the moſt cruel and ſanguinary Methods; and after all, has left us without Hopes of a Reformation of its Errors, by arrogating to itſelf an Infallibility, though not agreed where to place it: That Church, I ſay, in which all theſe Corruptions are to be found (and they are all to be found in the *Roman* Church) is ſo far (whatever glorious Pretenſions it may make) from being the Pillar and Ground of Truth, and the pure and undefiled Spouſe of Jeſus Chriſt, from which whatſoever is ſeparated, is at the ſame Time ſeparated from Chriſt himſelf; that on the contrary, Communion with it is extremely hazardous of Salvation. Can it be otherwiſe than extremely hazardous to communicate

with thoſe who have ſuperſeded the Neceſſity of being Holy in all manner of Converſation; and of abſtaining from all Appearance of Evil, by their Diſtinction of Sins into Mortal and Venial, that is (as themſelves explain it) ſuch as do, and ſuch as do not, deſerve eternal Damnation? When yet we are aſſured from Scripture, that *the Wages of* every *Sin is Death; That pure and undefiled Religion is to keep one's ſelf unſpotted from the World*; That whatever Proficiency we have made in Virtue and Religion, *we are not to reckon that we have already attained* a ſufficient Meaſure, but advance ſtill onwards to Perfection. That we are commanded *to love the Lord our God, with all our Heart, and Soul, and Strength; and our Neighbour as ourſelves; to be Followers of God; and to be Perfect, even as our Father who is in Heaven is Perfect.* How muſt this looſe Principle ſour and poiſon Converſation, when even the ſtricteſt Bonds can ſcarce hinder Men from being troubleſome and injurious to one another? What can be thought of their making the Sacrament of Penance joined with Contrition, ſufficient for Salvation, but that they deſtroy the Neceſſity of Repentance, by ſubſtituting in it's ſtead, a cheap and eaſy Remedy? For what need a Man be at the Pains of mortifying his Paſſions and Appetites, and forſaking his Sins, ſince, though he commits them again, upon confeſſing them with Sorrow to the Prieſt, and receiving Abſolution, he is made perfectly whole? Their Doctrine of Indulgencies, or the diſpoſing of Pardons for Money, *&c.* is another groſs and ſcandalous Abuſe, that cannot fail of being very miſchievous to Souls. I ſhall tranſcribe two Forms of them, which may be found in

in the Hours of the Bleſſed Virgin, *Secundum usum Sarum.* The firſt is of Pope *John* XXII. for ſaying three Prayers, as follows:

Thys Three Prayers be written in the Chapelle of the Holy Crosse in Rome, *otherwise called* Sacellum Sanctæ Crucis Septem Romanorum, *whoo that devoutly say them shall obtain* 90,000 *Years of Pardon for dedly Sins, graunted by our Holie Father Jo.* 22. *Pope of* Rome.

The other is for St. *Bernardine*, of *Siena*, daily kneeling in the Worſhip of the Name of Jeſus, thus:

Thys most devoutly Prayer said the Holy Father St. Bernardine, *dayly kneeling in the Worship of the most Holy Name Jesu. And yt is well to believe that thro' the Invocation of that most excellent Name of Jesu, S.* Bernard. *obtained a singular Reward of perpetual Consolation of our Lord Jesu Christ. And thys Prayer is written in a Table that hangeth at* Rome, *in S.* Peter's *Church, nere to the high Awter, there as our Holy Father the Pope dtely is wonte to say the Office of the Masse. And hoo that devoutly with a contrite Heart dayly say thys Oryson, yf he be that Day in the State of eternal Damnation, than thys eternal*

Payne shall be chaunged him in temporal Payne of Purgatory, than yf he hath deserved the Payne of Purgatory, yt shall be forgotten and forgiven, thorow the infinite Mercy of God.

I think little need be ſaid, to ſhew how this Doctrine of Indulgencies, joined with that of Purgatory (which is ſuppoſed to be a State of Puniſhment, from whence the Souls of the Dead may be delivered by the Prayers and Maſſes of the Living,) tends to deſtroy the great End of our Saviour's Undertaking, which was, *that he might redeem us from all Iniquity, and purify to himſelf a peculiar People, zealous of good Works.* What wonder is it that their Zeal ſhould flag, who are perſuaded, that, though their Repentance is not finiſhed in this Life, it may in another, and themſelves be finally accepted? As for this Doctrine of Purgatory, the Scripture is wholly ſilent about it: It ſpeaks, indeed, of everlaſting Happineſs appointed for the Good, and everlaſting Miſery for the Wicked, but not one Word appears in it of this middle State. We are told there that *the Dead are bleſſed that die in the Lord, that they reſt from their Labours, and their Works follow them.* We do not find, indeed, that any, whoſe Repentance is not finiſhed as well as begun in this Life, can be ſaid to die in the Lord, or be capable of that Bleſſedneſs. There we read as a powerful Motive to Perſeverance and Conſtancy in good Works, that, *if our earthly Houſe of this Tabernacle be diſſolved, we have a Building with God, a Houſe not made with Hands, eternal in the Heavens:*

And

And to free the Matter from the leaſt Poſſibility of Doubt, it is uſhered in with, We know. Again, the Penitent Thief was tranſlated from the Croſs, immediately to Paradiſe. In the Parable of the Rich Man and *Lazarus*, which ſeems plainly deſigned to acquaint us with the Happineſs and Miſery of Souls ſeparated from their Bodies; we find that the one went to Hell, and the other to *Abraham*'s Bosom, without the leaſt mention of any middle State between them: And, elſewhere, we are told, that *we muſt, at the laſt Judgment, give an Account for the things done in the Body*: but no where, that we ſhall be accountable for things done in the Soul ſeparate from the Body.

What ſhall we ſay of their Prayers in an unknown Tongue, of the Efficacy of Sacraments depending on the bare Adminiſtration, and their interdicting the People the ſacred Scriptures?

Can Prayers be offered-up with that Devotion, deep Senſe of their Wants and Dependance on God, that becomes poor indigent Creatures ſupplicating infinite Majeſty, by thoſe who know not what it is they pray, or rather, what the Prieſt ſays for them? Not to ſay how contrary this Practice is to the Holy Scriptures, and to the conſtant Uſage of the Church of Chriſt for many Ages.

Nothing need be added to ſhew the pernicious Conſequences of their Doctrine of the Efficacy of Sacraments, ſince it can hardly be, that any can be ſo ignorant as not to diſcover, that it takes-away the Neceſſity of Mens' preparing their Minds for them.

Their interdicting People the Uſe of the Bible, may well be reckoned as a Part of that worldly Wiſdom,

dom, for which they are ſo deſervedly remarkable; nothing being more an enemy to their Doctrines and Practices, than that Holy Book: But how they ſhall be able to anſwer to God and their own Conſciences, for the Loſs of thoſe Souls which they were obliged to watch over, and to whom they denied the moſt fit and proper Means of Salvation, becomes them ſeriouſly to conſider. One of the Holy Prophets, obſerving ſome in his Days, applying themſelves to other Means of Knowledge, inſtead of the Scriptures, refers them to thoſe Writings, ſaying, *To the Law, and to the Teſtimony: if they ſpeak not according to this Word, it is becauſe there is no Light in them.* Our Saviour commands to *ſearch the Scriptures. St. Paul* congratulates the Happineſs of *Timothy*, becauſe *he had known the Scriptures from a Child*; which he adds, were able to make him wiſe unto Salvation. The *Bereans* have this great Encomium given them by an inſpired Penman, that they were more noble than thoſe of *Theſſalonica*, becauſe they ſearched the Scriptures daily, to ſee whether thoſe things were ſo; that is, they did not take things upon Truſt, but by an impartial comparing one Place of Scripture with another, diſcerned the Truths which *St. Paul* and *Silas* delivered to them. That the Scriptures were in the Hands of the People in the firſt Ages of Chriſtianity, is plain from this one Inſtance, *viz.* that their Perſecutors commanding them to deliver up their Bibles to be burnt, many of them choſe rather to part with their Lives than their Bibles, and thoſe that did not, were called *Traditores*, that is, Betrayers.

I forbear to inſtance, in their Doctrine of ſeven Sacraments, Cœlibacy of the Clergy, their Sprinkling

ling with Holy Water, Baptizing of Bells, Exorciſms, Pilgrimages, their rending their Fleſh with Whips and Scourges, as if, inſtead of a Being of infinite Goodneſs, they were the Worſhippers of ſome heathen Deity, or evil Dæmon, who delighted in the Miſery of his Votaries; their placing too much of Religion in external Performances, and Abſtinences, *&c.* That is, in little Trifles, and inſignificant Nothings: Becauſe I deſigned this for an Appendix, not a Treatiſe.

However, I ſhall venture to take up a little more of the Reader's Time, by ſaying ſomething, (though very briefly) to theſe Particulars following, *viz.* Their Doctrine of Merit, Tranſubſtantiation, the Sacrifice of the Maſs, half Communion, Traditions, their Idolatry, Cruelty and Perfidiouſneſs to thoſe who diſſent from them.

The firſt of theſe ſeems not to have the leaſt Foundation, either in Scripture or Reaſon; for what Worth is there (I beſeech you) in a few ſhort-lived Services, made up of Imperfections? If it were poſſible for us to live here many Ages, and perform all that while a moſt exact Obedience to the Divine Laws, without ſo much as ſtraying in a Thought; yet even then there would be an infinite Diſproportion between our Actions and their Rewards: How much more when in this Life, ſhort as it is, there are ſo many Defects in the very beſt of us? Our Saviour has ſufficiently decided this Point, telling us, that, *when we have done all that is commanded us, we are unprofitable Servants, we have done no more than was our Duty to do.* I might, on this Head, have inſiſted on that Surpluſage of Merits, which they pretend to be in the Treaſury

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of the Church, and to Benefit not only the Perſons meriting, but Multitudes beſides: but I hope I need not tell you how derogatory this Opinion is to the All-ſufficient Merits of Chriſt, who having purchaſed us at ſo dear a Rate, we may be ſure will ſuffer no Sharers with him in that which is his ſole Prerogative. I ſhall ſay no more of Merit, than that it makes a Man think too well of himſelf, and too meanly of God.

All that I ſhall ſay of Tranſubſtantiation, or the ſubſtantial Change of the Bread and Wine, after the Words of Conſecration pronounced by the Prieſt, into the Natural Body and Blood of Chriſt, is that it contradicts our Reaſon and Senſes, overthrows the moſt ſubſtantial Evidence for the Truth of Chriſtianity, is contrary to the Nature of a Sacrament, and to thoſe very Scriptures, on which they pretend to found it; whether we reſpect the 6th of *John*, or the Words of Inſtitution, which are the principal Places cited by them to ſupport their Opinion: In the former of which we find, that *whoſoever eateth Chriſt's Fleſh, and drinketh his Blood, hath eternal Life*; with more to the ſame Purpoſe. Now if every one who eats Chriſt's Fleſh, and drinks his Blood, hath eternal Life, then it is certain, that the Wicked do not eat his Fleſh, and drink his Blood; which nothing hinders but they might do, if the Words of Conſecration, pronounced by a Prieſt, produced ſuch a wonderful Change, as they pretend. In the Words of Inſtitution, the one is no otherwiſe called his Body, than as given [in the preſent Tenſe] or, as St. *Paul* has explained it, broken, that is, delivered up to the Death, nor the other his Blood, but as ſhed; which could not be literally true

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in the Inſtitution, nor now; therefore its Truth muſt be in Myſtery and ſpiritual Effects.

The Sacrifice of the Maſs ſeems plainly to overthrow the Efficacy of Chriſt's Sacrifice; for if by that one Sacrifice we are delivered from the Power of the Devil, and inſtated in a Capacity of everlaſting Happineſs, what can any New Sacrifice do more? Add to this, that we are told in the Epiſtle to the *Hebrews*, that where a Sacrifice is perfect, (which all muſt grant the Sacrifice of Chriſt to be) it needs not be repeated, nor, by Parity of Reaſon, to have any other ſubſtituted in its Room: Nay, that Divine Author uſes ſuch an Argument, as equally excludes both. Thus it runs: *becauſe that the Worſhippers once Purged ſhould have had no more Conſcience of Sins.* Mark, if the Worſhippers were once purged, they ſhould have had no more Conſcience of Sins, or Guilt, conſequently no need of any other Sacrifice. In the ſame Chapter we read, that we are Sanctified through the Offering of the Body of *Jeſus Chriſt* once for all. That *this Man, after he had offered one Sacrifice for Sins, for ever ſate down on the Right-hand of God.* That *by one offering he hath perfected for ever them that are ſanctified.* That *if we Sin wilfully after we have received the Knowledge of the Truth, there remaineth no more Sacrifice for Sin.* What then becomes of their Maſs being a Propitiatory Sacrifice for Quick and Dead? It is plain (to ſpeak in the ſofteſt Terms) it is all a meer Cozenage and Impoſture.

That our Saviour gave the Sacrament in both Kinds to his Diſciples, cannot be denied. That he commanded them to bleſs, or conſecrate, and diſtribute both, can (I think) with as little Colour be denied.

nied. That the *Corinthians*, to whom St. *Paul* wrote, did ſo, is equally plain. That it was generally given ſo for about a thouſand Years after *Chriſt*, is acknowledged by our Adverſaries. And what Power they have of taking-away one Part more than another, or both, no good Reaſon can be aſſigned. I am ſure St. *Paul* ſpeaks of the Continuance of both till our Lord's coming.

As to Traditions, if they will be content with ſuch as contradict no Rule or Canon of Scripture, though they ſhould happen to over-value them, we will not vehemently contend with them about them; but when they ſet-up ſuch Things for Apoſtolical Traditions, as contradict manifeſt Scriptures, which both they and we allow to be written by Divine Inſpiration, we cannot forbear ſhewing the utmoſt Abhorrence of them.

Their Idolatry is ſo manifeſt, that the bare expoſing it to view ſeems a ſufficient Confutation of it. If to make any Being, the object of our Truſt and Confidence, it is neceſſarily that he ſhould know all our Wants, and be able to relieve them, which we are ſure that a Being of all poſſible Perfection can, but not ſure concerning any other; what muſt be thought of their Prayers to Saints, Angels, and the Bleſſed Virgin; nay their Worſhip of Images and Relics?

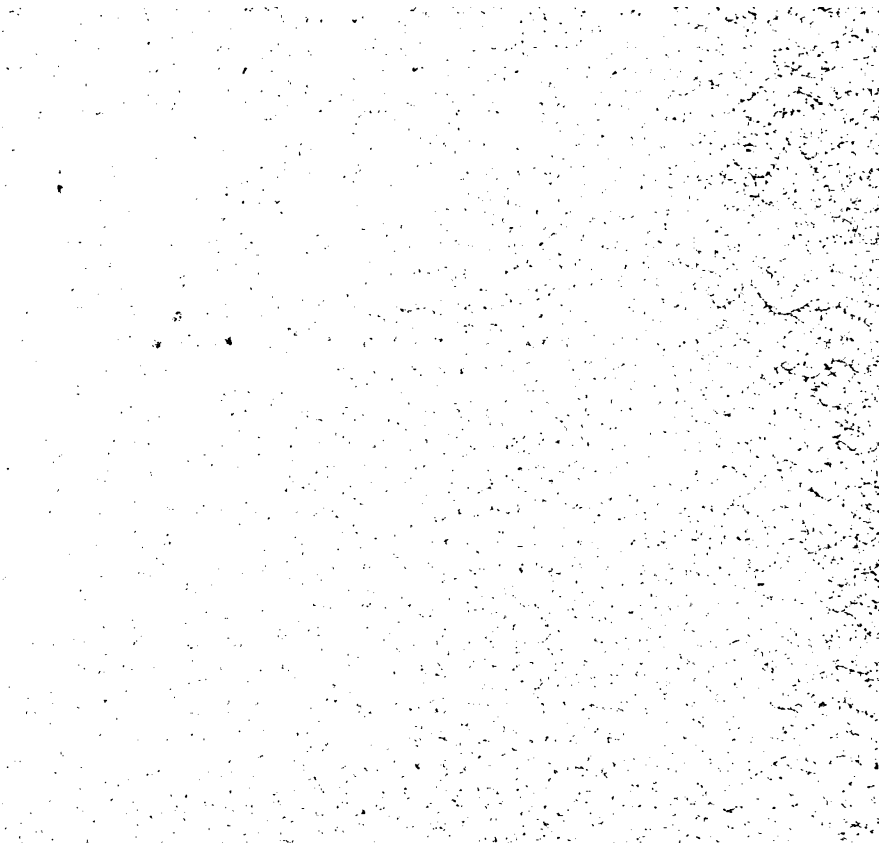
As to their treacherous and perfidious Principles, we need but have recourſe to the Councils of *Lateran* and *Conſtance*; the former of which authorized Princes to exterminate ſuch as they called Hereticks, and the Depoſing of Princes for Hereſy; the latter the breaking Faith with Hereticks. Their cruel and barbarous Treatment of thoſe who diſſented from them, has been

been ſufficiently experienced by us of theſe Nations, *France*, *Hungary*, *Bohemia*, the Vallies of *Piedmont*, the *Netherlands*; and indeed where not, where they had ſufficient Power to exert their Tyranny?

What then remains, but that as we value our own private Happineſs, that of the Community whereof we are Members, the Favour of God, and the Salvation of our Souls, we would ſhun thoſe Principles and Practices which are deſtructive of all theſe Intereſts; and thankfully receiving the invaluable Bleſſing of the Reformation, never ſuffer ourſelves to be any more entangled with that intolerable Yoke of ROMISH BONDAGE, from which we are ſo happily delivered?

FINIS.

R. Wilks Printer, Chancery-lane.



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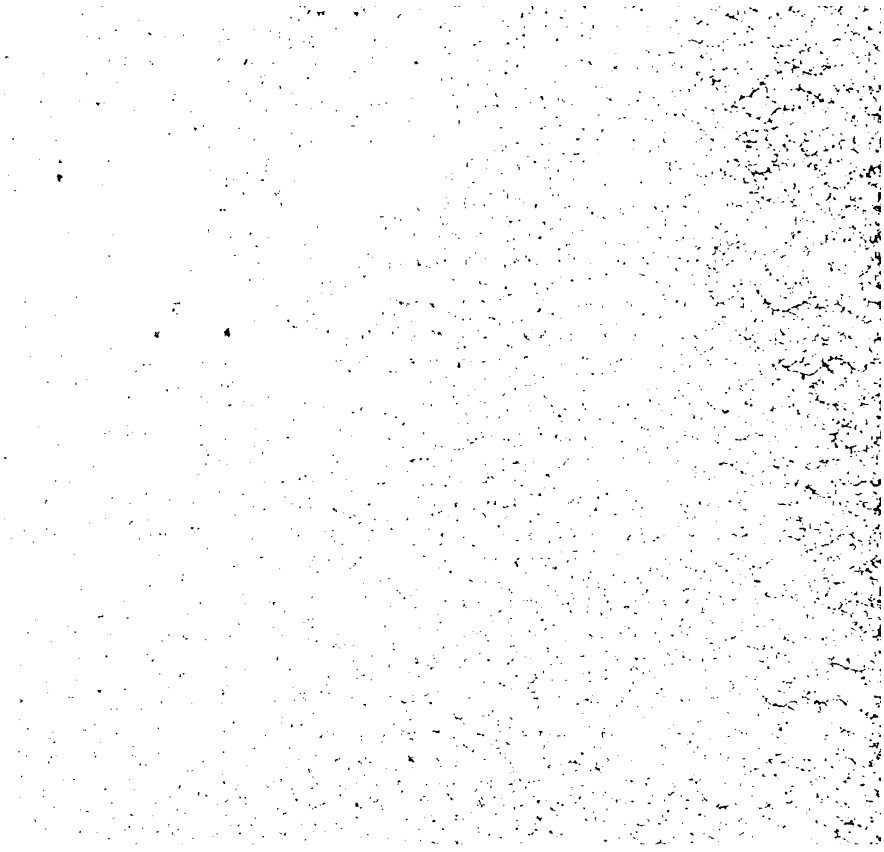

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